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Carl M. B. Kiesel
C.



37

SPEECHES
OF
THE RIGHT HONOURABLE
EDMUND BURKE.

VOL. III.

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THE
SPEECHES
OF
THE RIGHT HONOURABLE
EDMUND BURKE,
IN
THE HOUSE OF COMMONS,
AND IN
WESTMINSTER-HALL.

IN FOUR VOLUMES.

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SPEECHES

OF THE

RIGHT HONOURABLE

EDMUND BURKE,

&c. &c.

MR. BURKE'S REPRESENTATION TO THE KING RESPECTING
THE SPEECH FROM THE THRONE AT THE (OPENING OF
THE SESSION, 'AND THE ADDRESS OF THE HOUSE
THEREON.*

June 14. 1784.

THE new parliament assembled on the 18th of May 1784,
and on the next day, his majesty opened the session with
the following Speech to both Houses :

* The above Representation, together with the Notes, was published by Mr. Burke, in the shape of a pamphlet, to which was prefixed the following

PREFACE :

" The Representation now given to the public relates to some of the most essential privileges of the House of Commons. It would appear of little importance, if it were to be judged by its reception in the place where it was proposed. There it was rejected without debate. The subject matter may, perhaps, hereafter appear to merit a more serious consideration. Thinking men will scarcely regard the penal dissolution of a parliament as a very trifling concern. Such a dissolution must operate forcibly as an example ; and it much imports the people of this kingdom to consider what lesson that example is to teach.

" My Lords and Gentlemen ; I have the greatest satisfaction in meeting you in parliament at this time, after recurring, in

" The late House of Commons was not accused of an interested compliance to the will of a court. The charge against them was of a different nature. They were charged with being actuated by an extravagant spirit of independency. This species of offence is so closely connected with merit ; this vice bears so near a resemblance to virtue ; that the flight of a House of Commons above the exact temperate medium of independence ought to be correctly ascertained, lest we give encouragement to dispositions of a less generous nature, and less safe for the people ; we ought to call for very solid and convincing proofs of the existence, and of the magnitude too of the evils, which are charged to an independent spirit, before we give sanction to any measure, that by checking a spirit so easily damped, and so hard to be excited, may affect the liberty of a part of our constitution, which, if not free, is worse than useless.

" The editor does not deny, that by possibility such an abuse may exist : but *primâ fronte*, there is no reason to presume it. The House of Commons is not, by its complexion, peculiarly subject to the distempers of an independent habit. Very little compulsion is necessary, on the part of the people, to render it abundantly complaisant to ministers and favourites of all descriptions. It required a great length of time, very considerable industry and perseverance, no vulgar policy, the union of many men and many tempers, and the concurrence of events which do not happen every day, to build up an independent House of Commons. Its demolition was accomplished in a moment, and it was the work of ordinary hands. But to construct is a matter of skill ; to demolish, force and fury are sufficient.

" The late House of Commons has been punished for its independence. That example is made. Have we an example on record, of a House of Commons punished for its servility ? The rewards of a senate so disposed are manifest to the world. Several gentlemen are very desirous of altering the constitution of the House of Commons : but they must alter the frame and constitution of human nature itself, before they can so fashion it by any mode of election, that its conduct will not be influenced by reward and punishment, by fame and by disgrace. If these examples take root in the minds of men, what members hereafter will be bold enough not to be corrupt ? Especially as the king's high-way of obsequiousness is so very broad and easy. To make a passive member of parliament, no dignity of mind, no principles of honour, no resolution, no ability, no industry, no learning, no experience are in the least degree necessary. To defend a post of importance against a powerful enemy, requires an Elliot ; a drunken

in so important a moment, to the sense of my people. I have a just and confident reliance, that you are animated with the same sentiments of loyalty, and the same attachment to our excellent constitution, which I have had the happiness to see so fully manifested in every part of the kingdom. The happy effects of such a disposition will, I doubt not, appear in the temper and wisdom of your deliberations, and in the dispatch of the important objects of public business which demand your attention. It will afford me peculiar pleasure to find, that the exercise of the power entrusted to me by the constitution, has been productive of consequences so beneficial to my subjects, whose interests and welfare are always nearest my heart.

“Gentlemen of the House of Commons; I have ordered the estimates for the current year to be laid before you; and I trust to your zeal and affection to make such provisions for their farther supply, and for the application of the sums granted in the last parliament, as may appear to be necessary. I sincerely lament every addition to the burthens of my

invalid is qualified to hoist a white flag, or to deliver up the keys of the fortress on his knees.

“The gentlemen chosen into this parliament, for the purpose of this surrender, were bred to better things; and are no doubt qualified for other service. But for this strenuous exertion of inactivity, for the vigorous task of submission and passive obedience, all their learning and ability are rather a matter of personal ornament to themselves, than of the least use in the performance of their duty.

“The present surrender, therefore, of rights and privileges, without examination, and the resolution to support any minister given by the secret advisers of the crown, determines not only on all the power and authority of the House, but it settles the character and description of the men who are to compose it; and perpetuates that character as long as it may be thought expedient to keep up a phantom of popular representation.

“It is for the chance of some amendment before this new settlement takes a permanent form, and while the matter is yet soft and ductile, that the editor has republished this piece, and added some notes and explanations to it. His intentions, he hopes, will excuse him to the original mover, and to the world. He acts from a strong sense of the incurable ill effects of holding out the conduct of the late House of Commons as an example to be shunned by future representatives of the people.”

people; but they will, I am persuaded, feel the necessity, after a long and expensive war, of effectually providing for the maintenance of the national faith and our public credit, so essential to the power and prosperity of the state.

“ My Lords and Gentlemen; the alarming progress of frauds in the revenue, accompanied in so many instances with violence, will not fail on every account to excite your attention. I must, at the same time recommend to your most serious consideration, to frame such commercial regulations as may appear immediately necessary in the present moment. The affairs of the East India Company form an object of deliberation deeply connected with the general interests of the country. While you feel a just anxiety to provide for the good government of our possessions in that part of the world, you will, I trust, never lose sight of the effect which any measure to be adopted for that purpose may have on our own constitution, and our dearest interests at home. You will find me always desirous to concur with you in such measures as may be of lasting benefit to my people: I have no wish but to consult their prosperity, by a constant attention to every object of national concern, by a uniform adherence to the true principles of our free constitution, and by supporting and maintaining, in their just balance, the rights and privileges of every branch of the legislature.”

The following Address of Thanks in answer to the above speech was moved by Mr. Hamilton (afterwards Marquis of Abercorn), and seconded by Sir William Molesworth:

“ Most gracious sovereign;

“ We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your majesty our humble thanks for your most gracious speech from the throne.

“ We beg your majesty will be assured, that we are animated with the warmest sentiments of loyalty, and an inviolable attachment to our excellent constitution, which are, we trust, inseparably united in the hearts of your faithful subjects.

“ We acknowledge, with the warmest gratitude and satisfaction, your majesty's wisdom and goodness in recurring, at so important a moment, to the sense of your people; and we trust that so-seasonable an exercise of the power entrusted to your

majesty by the constitution, will not fail to be attended by the most happy and beneficial effects.

“ Your majesty may be assured that your faithful Commons will be ready to take proper measures for the application of the sums voted in the last parliament, and to grant such further supplies as may appear to be necessary ; having the fullest confidence that all your majesty’s subjects will, from loyalty to your majesty and zeal for the interests of the country, be ready to support those heavy burthens which, in consequence of a long and expensive war, are now unavoidable ; and that they will be sensible of the necessity of effectually providing for the maintenance of the national faith and the public credit, so essential to the power and prosperity of the state.

“ We also beg leave to assure your majesty, that we shall apply our utmost attention to the means of preventing the increasing frauds in the revenue : that we shall take into our most serious consideration such commercial regulations as the present situation may immediately require.

“ That, in our deliberations on the affairs of the East India Company, so deeply connected with the general interests of the country, we shall be truly anxious to provide for the good government of our possessions in that part of the world.

“ That we shall be careful never to lose sight of the effects which any measure to be adopted for the purpose may have on our excellent constitution and our dearest interests at home ; and that we are deeply penetrated with the gracious and parental expressions of your majesty’s affection and goodness to your people, and have the most dutiful reliance on your majesty’s royal attention to every object of national concern, and to the true principles of our free constitution, which can only be secured by maintaining, in their just balance, the rights and privileges of every branch of the legislature.”

The strong expression inserted in the Address of satisfaction and gratitude to his majesty for having dissolved the late parliament, occasioned a short debate. The necessity of having recourse to that measure, in order to settle a firm and constitutional administration, was strenuously urged on the one side ; and on the other, this necessity was as strenuously denied, unless it could be proved, that the existence of the present administration was indispensably necessary either to the safety or the constitution of the country. With respect to the same

[June 14.]

appeared to be decisively
some of those members,
part with Mr. Pitt in the
representation in parliament,
could pretend that the genuine
collected in the new elections,
the necessity of a reformation,
the people, as the law then stood,
do with them. An amendment was
such parts of the address as related to
points, but was rejected by a majority of
May,

rose and said, he wished to offer a few
a subject well worthy the attention of the
parliament had been assembled under cir-
so new and extraordinary, that if ever there
when it behoved men to look about them, and
themselves and their characters, this was the time.
highly necessary that they should know precisely the
of the ground they trod, and the sort of law that
to govern their future conduct within those walls. His
majesty's speech from the throne at the opening of the
session, and the address voted upon it, although couched in
pretty general terms, and holding a language far from ob-
jectionable in the abstract, involved a variety of weighty
and important matters, that called for as serious and deli-
berate a discussion as any subjects that ever had been sub-
mitted to the consideration of any parliament. Meaning,
therefore, at some future day, to bring them before the
House, in such a manner as should challenge their maturest
attention, he rose then in fairness and candour to declare
that such was his design, in order that gentlemen might
have sufficient time to consider the topics touched upon in
his majesty's speech, and to weigh their import and ten-
dency with that degree of examination and reflection that
their magnitude merited. The points which the Speech and
the Address of the House principally held out, were three :
the first, the dissolution of the late parliament, for which

the House had thanked his majesty. Undoubtedly, to dissolve a parliament was a legal exercise of the prerogative, and *prima facie* a right thing. It was, therefore, proper to thank his majesty for doing what appeared *prima facie* to be right; but there might be circumstances (he was not then saying that there were, because that was not the fit moment for the discussion,) which might prove, that what was *prima facie* right, was altogether unjustifiable, and a most violent and unwarrantable exercise of power as ever was put in practice. The second point the Speech and Address went to, was the mention of what had been done in relation to the East India Company; and this commemoration carried along with it a strong insinuation, that something unconstitutional had been attempted on that head in the last parliament. This commemoration, therefore, was *commemoratio quasi exprobatio*, and called for consideration and inquiry, since it regarded the conduct of parliaments in general, and it being highly necessary that the House should know how far they might safely proceed in future respecting the sort of bills that might or might not be introduced without subjecting a House of Commons to the reprehension of having acted unconstitutionally. Bills and proceedings might, he observed, be instituted, and held in progress, which, as bills and proceedings merely, might be liable to the imputation of being unconstitutional, because it was the completion they received, and the sanction and fiat of the whole legislature, that changed them from bills and proceedings to acts of parliament, and made them constitutional; it was, therefore, a very nice question how they could proceed safely, to avoid the reprehension of having acted unconstitutionally, in respect to their bills; because, as the matter stood, unexplained and obscure, every bill they passed that did receive the sanction and support of either of the other branches of the legislature, might subject that House to the imputation of having acted unconstitutionally. The third great point in the Speech was to be found at the conclusion, where it was recommended to the House to take especial care to guard

and preserve the constitutional balance of King, Lords, and Commons. This part of the Speech, Mr. Burke observed, was likewise commemorative, and seemed to convey an idea, that the last parliament had not preserved the constitutional balance alluded to; it became, therefore, highly necessary that the charge should be examined, in order, if there was guilt in the last parliament, that the degree of it should be ascertained. Upon these considerations it was, that he meant to bring forward some proposition on the subject, and he had taken that opportunity of making the few observations he had offered to the House, from a principle of candour and fairness; with the double view of apprising gentlemen fully of his intention, and of affording them time to revolve the subject in their minds previous to his bringing it under discussion. Mr. Burke concluded with giving notice that he should make a proposition upon the king's Speech and Address next Wednesday se'nnight.

Mr. Pitt said, it was certainly extremely fair in the honourable gentleman to give notice of his intention to make some proposition upon the Speech and the Address next week, but perhaps, as the honourable gentleman had declared he did it with a view to enable the House to make themselves equal to the task of discussing the subject properly when it should be brought before them, his purpose would have been better answered, had he signified what sort of a proposition he had in contemplation. He had listened to the honourable gentleman with all possible attention, and he was wholly at a loss to know to what his notice pointed. All that he had been able to collect was, that his majesty's Speech at the opening of the session, and the Address of the House in answer to it, turned on three important circumstances; namely, the dissolution of the late parliament, the situation of the East India Company's affairs, and the necessity for strictly and religiously preserving that balance which the constitution designed should be preserved, with regard to the three distinct branches of the legislature. Perhaps it might be the opinion of most gentlemen, as he owned it was his opinion, that the proper time for making any remarks on the king's Speech was past, because the fittest moment for such remarks being offered, appeared to him to have been that

moment when an Address was moved upon the Speech, and was under the discussion of the House : at any rate, he thought the honourable gentleman ought to carry his candour and his fairness at least one step farther, and let the House know what it was he really intended to propose, and on which he had declared himself anxious that gentlemen should make up their minds.

Mr. BURKE, in reply, complained of what Mr. Pitt had said as a sneer at his insignificance. He remarked, that whenever men were more than ordinarily candid, they were sure to subject themselves to inconvenience. This was his case at present. He begged leave therefore to observe, that however the right honourable gentleman might enjoy the advantage of the opportunity for a personal reprehension which he had afforded him, that the importance of the considerations he meant to bring forward would sufficiently apologize for the want of importance in the individual who presumed to introduce them to the notice of the House. When they were under discussion, the right honourable gentleman might be assured that the mover of them would wholly disappear and be lost in their superior consideration. With regard to explaining his meaning more fully, so far from its appearing to him to be necessary, he was persuaded that he had been induced, from a principle of candour, to go farther into the subject, and to open it much more than usually was done on similar occasions.

On the 14th of June, in pursuance of the above notice,

Mr. BURKE rose to make his promised motion.

He began by saying, that he had undertaken a task to which he knew his abilities were not equal ; but in so doing, he felt that he differed not from the rest of mankind, who seeing an occasion for a great exertion of humanity, followed the impulse of their feelings, without being deterred by the consideration, that their exertion would be to no purpose. He declared that in what he was about to do he acted solely from himself, without having consulted any man

upon earth: the question therefore that he intended to propose, ought not to be considered as a party question; it was exclusively his own; and there would be no cause for triumph if it should be rejected, as it was the measure of an inconsiderable individual; and as he was resolved to conform to the sense of the House, he would not call for a division, if he should find his proposition was not universally approved.

At this time of day, he observed, the question might not appear of very great consequence to some gentlemen; but to him it appeared to be of so great a magnitude, that it occupied his whole mind; and he was not ashamed to say that his soul was full of it: a parliament had been sentenced, condemned, and executed, and no notice had yet been taken of so great and extraordinary an event. If the meanest subject in the land had died suddenly, or by violent means, an inquest would have taken cognizance of the case, and inquired into the causes of his death; but the parliament of Great Britain had been put to a violent death, and no coroner had yet held an inquest on the body! No inquiry had been made whether it had been *felo de se*, or *jure casus*! Did the people, then, think the sudden death of parliament was a subject too trifling for inquiry? Or did they think that all which might have been apprehended from such a death, had perished with the parliament? He feared, alas, that the fatal consequence of it would long survive it, and be entailed on future parliaments.

Much had been said of the sense of the people as the ground on which ministers might rest their defence of the late dissolution; and on this head he was ready to confess that the sense of the people, however erroneous at times, must always govern the legislature of this country; but it was difficult to collect that sense, and it was sometimes the duty of the better informed and more enlightened part of the community to resist the sense of the people, when it appeared that the people were deceived or misled. For his part, he did not think that the wiser part of the public approved of the dissolution of the late parliament, or disap-

proved of the measures which avowedly were the occasion of that event: the people, in his opinion, might be divided into three classes, one composed of persons who, dazzled with the lustre of the crown, could never bring themselves to think that government might be in the wrong; they were the political high-flyers, who made it a point to support the crown *à tort et à travers*: this class, he said, was very numerous; and in it, he was sorry to add, were to be found many very respectable characters. In the second class he placed those who, though sworn enemies to the crown, were ever ready to fall upon the House of Commons, because they conceived that House to be the constitutional guardians and defenders of that species of monarchy which in this country had ever been thought necessary for the well-being of government. These two bodies of men, he said, generally united in running down the House of Commons, though with the most opposite views. The third class consisted of all those persons who did not enter into the other two; they were the moderate and impartial, who, alike friends to the crown and to the democratic part of the constitution, wished to maintain both in the full enjoyment of their respective prerogatives and privileges. Of these, he would not hesitate to say, full three-fourths went heart and hand with the late House of Commons; the other fourth part, he believed, had been driven by misrepresentations into a confederacy with two classes of men whose principles they equally detested, the lovers of absolute monarchy and the sworn enemies of every species of monarchy. He trusted, indeed, that many of them had lately been undeceived; it was the duty of the House of Commons to warn the remainder of the dangers to which they exposed their liberties, through the delusion under which they acted.

He feared there was a settled plan to destroy, not the form, but the essence and efficacy of the House of Commons. Doctrines big with danger to the constitution had been broached within the two last years, first by the noble lord who was at the head of the administration before the last (the Earl of Shelburne), and lately revived by the

his political education at the speech from the throne, at the time the last, the king was made to see that the people expected unanimous assent from the House: this assumption of the sovereignty by the sovereign was truly alarming. Caesar modestly consented to become the emperor, Rome gave up into the hands of that emperor the remaining shield she had to protect her independence in this country, as in another country it was wisely kept distinct and separate from the emperor's power: in this government it was constitutionally proper that it ought naturally to be lodged, in the House of Commons; and to that House the people ought first to present their complaints, even when they were directed against the measures of the House itself: but now the people were taught to pass by the door of the House of Commons and supplicate the throne for the protection of their liberties; hence the dissolution of the late parliament pretendedly in obedience to the sense of the people; from addresses the sense of the people had been collected, and not from the House of Commons. But he warned the people to beware of this double House of Commons, which ministers were erecting on the foundation of their delusion — the Commons of England in parliament assembled, and the Commons of England in corporation and county meetings dispersed: an artful minister would craftily play off the one after the other; he would make use of a pliant House of Commons to oppress the people; and he would make use of a deluded House of Commons, dispersed through the country, to awe a refractory or independent collected House of Commons. If the proceedings of the late parliament had been really disagreeable to the people, why had they not petitioned that House against those proceedings? If they had petitioned, and their prayers had been disregarded, or treated with contempt, then addresses to the throne for a dissolution of parliament would have been extremely proper: when public economy became the

general wish of the people, petitions were presented not to the crown but to the House of Commons; but means had been contrived of late so to delude the people as to make them the very instruments of the degradation of that branch of the government, the destruction of which must necessarily be attended with the loss of their liberty.

The East India bill had been made the spacious pretext of the dissolution; it was represented as a violent attack upon the franchises of the people, an invasion of the royal prerogative, and a medium through which the late ministers intended to have secured to themselves a power paramount to every power in the kingdom. In defence of that bill, he said, it did not appear reasonable that the proprietors of East India stock should in future retain in their hands a power which they had so grossly abused; by which they had plundered and rendered miserable many millions of persons who were under the protection of this nation; a power which had enabled them to enter into the most unjust and impolitic wars, the consequence of which brought very heavy expense upon this kingdom. As to the invasion of the royal prerogative, he was surprised to hear that brought as a charge laid at the door of the East India bill. The power of making war, and of carrying it on, where and in what manner he pleased, was certainly one of the first and greatest prerogatives of the crown; and yet the late House of Commons not only addressed the king not to carry on the war on the continent of America, but went so far even as to vote that man an enemy to his country who should advise the carrying of it on, or who should assist in it; so that though Sir Henry Clinton, for instance, was bound by the mutiny act to obey the king's orders, as captain-general of the forces, and was even liable to be shot if he should refuse to obey them, still the resolutions of the House of Commons would attach upon him, and suspend the whole system of military subordination; and yet that resolution had been supported by the warmest friends of the present ministry, and by himself; and no one ever thought of making it a ground for the dissolution

of the parliament. As to the patronage of the East India Company, which it was said ministry intended to make the means of rendering themselves paramount to the crown, he observed, that those who were at this moment in full possession of that patronage (the Company) were very far from being independent of the crown, so far from being paramount to it; and he could assure the House, on his conscience and on his honour, that the persons who were to have been at the head of the Company's affairs, had been busied in devising means by which they might have put it most effectually out of their own power to derive any emolument or parliamentary support from their situation: and he himself had made it a point to shut his ears to every application that had been made to him for his influence with those who were to have been in the direction of India affairs, under the bill brought in by his right honourable friend. To the truth of this assertion he called God to be his witness; and he assured the House, that by his conduct on that occasion he had made himself many enemies, and not one friend.

But had his right honourable friend's bill been as bad as some people had represented it to be, still he would maintain that the king could not, constitutionally speaking, assign the existence of such a bill as the reason for his dissolving the parliament; for, in the first place, he ought not to have known that a bill was in existence; and, in the next, the House had a right to entertain whatever bill it pleased, even if it were possible that it could be treasonable; or if it were even for lopping off a whole branch of the prerogative: a bill of exclusion had been entertained by parliament; and if the day should come when either a member of the House, or the whole House, should be made responsible for a part taken in any bill, on that day would the liberties of England expire. An attack might be made on the prerogative by the House of Peers, and yet that would be no ground for a dissolution, as the peers of the new parliament would be precisely the same who attacked the prerogatives in the last. This was a time which called

upon the House to oppose doctrines which seemed to be gaining ground: a noble earl (Shelburne) had often mentioned the balance of the different branches of the constitution; but for his part he reprobated the idea; this was not a government of balances: and a noble duke (Richmond), in his letter to the volunteers of Ireland, had positively rejected the idea of a balance; for he would not allow the king a negative on the acts of both Houses, as it would be strange indeed (observed his grace) that one man should have it in his power, by his negative, to counteract the wisdom of the Lords and Commons, or, in other words, of the whole nation. This observation, Mr. Burke said, might as well be applied to the House of Lords; for it would be a strange thing if 200 peers should have it in their power to defeat by their negative what had been done by the people of England. He concluded by observing, that if the measures of the late parliament were unconstitutional, they ought to be condemned and censured; if, on the other hand, they were strictly constitutional, it was the more incumbent on the present House to defend and maintain them, as the last House was said to have been put to death for having supported them. Mr. Burke then moved,

“ That a Representation be presented to his majesty, most humbly to offer to his royal consideration, that the address of this House, upon his majesty’s speech from the throne, was dictated solely by our conviction of his majesty’s own most gracious intentions towards his people, which, as we feel with gratitude, so we are ever ready to acknowledge with cheerfulness and satisfaction.

“ Impressed with these sentiments, we were willing to separate from our general expressions of duty, respect, and and veneration to his majesty’s royal person and his princely virtues, all discussion whatever, with relation to several of the matters suggested, and several of the expressions employed in that speech.

“ That it was not fit or becoming that any decided opinion should be formed by his faithful Commons on that speech,

without a degree of deliberation adequate to the importance of the object. Having afforded ourselves due time for that deliberation, we do now most humbly beg leave to represent to his majesty, that, in the speech from the throne, his ministers have thought proper to use a language of a very alarming import, unauthorized by the practice of good times, and irreconcilable to the principles of this government.

“ Humbly to express to his majesty, that it is the privilege and duty of this House to guard the constitution from all infringement on the part of ministers; and whenever the occasion requires it, to warn them against any abuse of the authorities committed to them: but it is very * lately that in a manner not more unseemly than irregular and preposterous, ministers have thought proper, by admonition from the throne, implying distrust and reproach, to convey the expectations of the people to us, their sole representatives †; and have presumed to caution us, the natural guardians of the constitution, against any infringement of it on our parts. This dangerous innovation we, his faithful Commons, think it our duty to mark; and as these admonitions from the throne, by their frequent repetition, seem intended to lead gradually to the establishment of an usage, we hold ourselves bound thus solemnly to protest against them.

“ This House will be, as it ever ought to be, anxiously attentive to the inclinations and interests of its constituents: nor do we desire to straiten any of the avenues to the throne, or to either House of parliament. But the ancient order, in which the rights of the people have been

* See King's Speech, Dec. 5. 1782, and May 19. 1784.

† “ I will never submit to the doctrines I have heard this day from the woolsack, that the other House” [House of Commons] “are the only representatives and guardians of the people's rights. I boldly maintain the contrary. I say, this House” [House of Lords] “are equally the representatives of the people.” The Earl of Shelburne's Speech, April 8. 1778. See New Parliamentary History, vol. xix. p. 1048.

exercised, is not a restriction of these rights. It is a method providently framed in favour of those privileges, which it preserves and enforces by keeping in that course which has been found the most effectual for answering their ends. His majesty may receive the opinions and wishes of individuals under their signatures, and of bodies corporate under their seals, as expressing their own particular sense; and he may grant such redress as the legal powers of the crown enable the crown to afford. This, and the other House of Parliament, may also receive the wishes of such corporations and individuals by petition. The collective sense of his people his majesty is to receive from his Commons in parliament assembled. It would destroy the whole spirit of the constitution, if his Commons were to receive that sense from the ministers of the crown, or to admit them to be a proper or a regular channel for conveying it.

“ That the ministers in the said speech declare, ‘ his majesty has a just and confident reliance, that we (his faithful Commons) are animated with the same sentiments of loyalty, and the same attachment to our excellent constitution, which he had the happiness to see so fully manifested in every part of the kingdom.’

“ To represent that his faithful Commons have never failed in loyalty to his majesty. It is new to them to be reminded of it. It is unnecessary and invidious to press it upon them by any example. This recommendation of loyalty, after his majesty has sat for so many years, with the full support of all descriptions of his subjects, on the throne of this kingdom, at a time of profound peace, and without any pretence of the existence or apprehension of war or conspiracy, becomes in itself a source of no small jealousy to his faithful Commons; as many circumstances lead us to apprehend that therein the ministers have reference to some other measures and principles of loyalty, and to some other ideas of the constitution, than the laws require, or the practice of parliament will admit.

“ No regular communication of the proofs of loyalty and attachment to the constitution, alluded to in the speech

from the throne, have been laid before this House, in order to enable us to judge of the nature, tendency, or occasion of them, or in what particular acts they were displayed; but if we are to suppose the manifestations of loyalty (which are held out to us as an example for imitation) consist in certain addresses delivered to his majesty, promising support to his majesty in the exercise of his prerogative, and thanking his majesty for removing certain of his ministers, on account of the votes they have given upon bills depending in parliament,—if this be the example of loyalty alluded to in the speech from the throne, then we must beg leave to express our serious concern for the impression which has been made on any of our fellow-subjects by misrepresentations, which have seduced them into a seeming approbation of proceeding subversive of their own freedom. We conceive, that the opinions delivered in these papers were not well considered; nor were the parties duly informed of the nature of the matters on which they were called to determine, nor of those proceedings of parliament which they were led to censure.

“ We shall act more advisedly. The loyalty we shall manifest will not be the same with theirs; but, we trust, it will be equally sincere, and more enlightened. It is no slight authority which shall persuade us (by receiving as proofs of loyalty the mistaken principles lightly taken up in these addresses) obliquely to criminate, with the heavy and ungrounded charge of disloyalty and disaffection, an uncorrupt, independent, and reforming parliament,*. Above

* In that parliament the House of Commons by two several resolutions put an end to the American war. Immediately on the change of ministry which ensued, in order to secure their own independence and to prevent the accumulation of new burthens on the people, by the growth of a civil-list debt, they passed the establishment bill. By that bill, thirty-six offices tenable by members of parliament were suppressed; and an order of payment was framed, by which the growth of any fresh debt was rendered impracticable. The debt on the civil list from the beginning of the present reign had amounted to one million

all, we shall take care that none of the rights and privileges, always claimed, and since the accession of his majesty's illustrious family constantly exercised by this House, (and which we hold and exercise in trust for the Commons of Great Britain, and for their benefit,) shall be constructively surrendered, or even weakened and impaired under ambiguous phrases, and implications of censure on the late parliamentary proceedings. If these claims are not well-founded, they ought to be honestly abandoned; if they are just, they ought to be steadily and resolutely maintained.

“ Of his majesty's own gracious disposition towards the true principles of our free constitution, his faithful Com-

three hundred thousand pounds and upwards. Another act was passed for regulating the office of the paymaster-general, and the offices subordinate to it. A million of public money had sometimes been in the hands of the paymasters: this act prevented the possibility of any money whatsoever being accumulated in that office in future. The officers of the exchequer, whose emoluments in time of war were excessive, and grew in exact proportion to the public burthens, were regulated; some of them suppressed, and the rest reduced to fixed salaries. To secure the freedom of election against the crown, a bill was passed to disqualify all officers concerned in the collection of the revenue in any of its branches from voting in elections; a most important act, not only with regard to its primary object, the freedom of election, but as materially forwarding the due collection of revenue. For the same end, (the preserving the freedom of election) the House rescinded the famous judgment relative to the Middlesex election, and expunged it from the Journals. On the principle of reformation of their own house, connected with the principle of public economy, an act passed for rendering contractors with government incapable of a seat in parliament. The India bill (unfortunately lost in the House of Lords) pursued the same idea to its completion; and disabled all servants of the East India Company from a seat in that House for a certain time, and until their conduct was examined into and cleared. The remedy of infinite corruptions and of infinite disorders and oppressions, as well as the security of the most important objects of public economy, perished with that bill and that parliament. That parliament also instituted a committee to inquire into the collection of the revenue in all its branches, which prosecuted its duty with great vigour; and suggested several material improvements.

mons never did or could entertain a doubt: but we humbly beg leave to express to his majesty our uneasiness concerning other new and unusual expressions of his ministers, declaratory of a resolution 'to support in their just balance, the rights and privileges of every branch of the legislature.'

"It were desirable that all hazardous theories concerning a balance of rights and privileges (a mode of expression wholly foreign to parliamentary usage) might have been forborne. His majesty's faithful Commons are well instructed in their own rights and privileges, which they are determined to maintain on the footing upon which they were handed down from their ancestors; they are not unacquainted with the rights and privileges of the House of Peers, and they know and respect the lawful prerogatives of the crown; but they do not think it safe to admit any thing concerning the existence of a balance of those rights, privileges, and prerogatives; nor are they able to discern to what objects ministers would apply their fiction of balance, nor what they would consider as a just one. These unauthorized doctrines have a tendency to stir improper discussions, and to lead to mischievous innovations in the constitution. *

* If these speculations are let loose, the House of Lords may quarrel with their share of the legislature, as being limited with regard to the origination of grants to the crown and the origination of money bills. The advisers of the crown may think proper to bring its negative into ordinary use; and even to dispute whether a mere negative, compared with the deliberative power exercised in the other Houses, be such a share in the legislature as to produce a due balance in favour of that branch; and thus justify the previous interference of the crown in the manner lately used. The following will serve to shew how much foundation there is for great caution concerning these novel speculations. Lord Shelburne, in his celebrated speech, April 8th, 1778, expresses himself as follows:

"The noble and learned lord on the woolsack, in the debate which opened the business of this day, asserted that your lordships were incompetent to make any alteration in a money-bill, or a bill of supply. I should be glad to see the matter fully and fairly discussed, and the

“ That his faithful Commons most humbly recommend, instead of the inconsiderate speculations of unexperienced men, that on all occasions resort should be had to the happy practice of parliament, and to those solid maxims of government which have prevailed since the accession of his majesty’s illustrious family, as furnishing the only safe principles on which the crown and parliament can proceed.

“ We think it the more necessary to be cautious on this head, as, in the last parliament, the present ministers had thought proper to countenance, if not to suggest, an attack upon the most clear and undoubted rights and privileges of this House. *

subject brought forward and argued upon precedent, as well as its collateral relations. I should be pleased to see the question fairly committed, were it for no other reason but to hear the sleek smooth contractors from the other House come to this bar and declare, that they, and they only, could frame a money-bill; and they, and they only, could dispose of the property of the peers of Great Britain. Perhaps some arguments more plausible, than those I heard this day from the woolstack, to shew that the Commons have an uncontrollable, unqualified right, to bind your lordships’ property, may be urged by them. At present, I beg leave to differ from the noble and learned lord; for until the claim, after a solemn discussion of the House, is openly and directly relinquished, I shall continue to be of opinion, that your lordships have a right to alter, amend, or reject a money-bill.” See New Parliamentary History of England, vol. xix. p. 1049.

The Duke of Richmond also, in his letter to the volunteers of Ireland, speaks of several of the powers exercised by the House of Commons, in the light of usurpations; and his grace is of opinion, that when the people are restored to what he conceives to be their rights, in electing the House of Commons, the other branches of the legislature ought to be restored to theirs.

* By an act of parliament, the directors of the East India Company are restrained from acceptance of bills drawn from India, beyond a certain amount, without the consent of the commissioners of the treasury. The late House of Commons finding bills to an immense amount drawn upon that body by their servants abroad, and knowing their circumstances to be exceedingly doubtful, came to a resolution providently cautioning the lords of the treasury against the acceptance of these bills, until the House should otherwise direct. The court Lords then took

“ Fearing, from these extraordinary admonitions, and from the new doctrines, which seem to have dictated several unusual expressions, that his majesty has been abused by false representations of the late proceedings in parliament, we think it our duty respectfully to inform his majesty, that no attempt whatever has been made against his lawful prerogatives, or against the rights and privileges of the peers, by the late House of Commons, in any of their addresses, votes, or resolutions: neither do we know of any proceeding by bill, in which it was proposed to abridge the extent of his royal prerogative: but, if such provision had existed in any bill, we protest, and we declare, against all speeches, acts, or addresses, from any persons whatsoever, which have a tendency to consider such bills, or the persons concerned in them, as just objects of any kind of censure and punishment from the throne. Necessary reformati^ons may hereafter require, as they have frequently done in former times, limitations and abridgments, and in some cases an entire extinction of some branch of prerogative. If bills should be improper in the form in which they appear in the House where they originate, they are liable, by the wisdom of this constitution, to be corrected, and even to be totally set aside elsewhere. This is the known, the legal, and the safe remedy: but whatever, by the manifestation of the royal displeasure, tends to intimidate individual members from proposing, or this House from receiving, debating, and passing bills, tends to prevent even the beginning of every

occasion to declare against the resolution as illegal, by the Commons undertaking to direct in the execution of a trust created by act of parliament. The House, justly alarmed at this resolution, which went to the destruction of the whole of its superintending capacity, and particularly in matters relative to its own province of money, directed a committee to search the Journals, and they found a regular series of precedents, commencing from the remotest of those records, and carried on to that day, by which it appeared, that the House interfered by an authoritative advice and admonition upon every act of executive government without exception, and in many much stronger cases than that which the Lords thought proper to quarrel with.

reformation in the state, and utterly destroys the deliberative capacity of parliament. We therefore claim, demand, and insist upon it, as our undoubted right, that no persons shall be deemed proper objects of animadversion by the crown, in any mode whatever, for the votes which they give, or the propositions which they make in parliament.

“ We humbly conceive, that besides its share of the legislative power, and its right of impeachment, that by the law and usage of parliament this House has other powers and capacities, which it is bound to maintain. This House is assured, that our humble advice on the exercise of prerogative will be heard with the same attention with which it has ever been regarded, and that it will be followed by the same effects which it has ever produced, during the happy and glorious reigns of his majesty’s royal progenitors; not doubting but that, in all those points, we shall be considered as a council of wisdom and weight to advise, and not merely as an accuser of competence to criminate*. This House claims both capacities; and we trust that we shall be left to our free discretion which of them we shall employ as best calculated for his majesty’s and the national service. Whenever we shall see it expedient to offer our advice concerning his majesty’s servants, who are those of the public, we confidently hope that the personal favour of any minister, or any set of ministers, will not be more dear to his majesty than the credit and character of the House of Commons. It is an experiment full of peril to put the representative wisdom and justice of his majesty’s people in the wrong; it is a crooked and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation from the authority of the Commons of Great Britain

* “ I observe at the same time, that there is no charge or complaint suggested against my present ministers.” — The King’s Answer, 25th February, 1784, to the Address of the House of Commons.

in parliament assembled: it is a contrivance full of danger, for ministers to set up the representative and constituent bodies of the Commons of this kingdom as two separate and distinct powers, formed to counterpoise each other, leaving the preference in the hands of secret advisers of the crown. In such a situation of things, these advisers, taking advantage of the differences which may accidentally arise, or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purposes of their sinister ambition. By exciting an emulation and contest between the representative and the constituent bodies, as parties contending for credit and influence at the throne, sacrifices will be made by both; and the whole can end in nothing else than the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the people to the throne than that by the House of Commons, it ought to be fixed and defined, and its authority ought to be settled: it ought not to exist in so precarious and dependent a state as that ministers should have it in their power, at their own mere pleasure, to acknowledge it with respect, or to reject it with scorn.

“ It is the undoubted prerogative of the crown to dissolve parliament; but we beg leave to lay before his majesty, that it is, of all the trusts vested in his majesty, the most critical and delicate, and that in which this House has the most reason to require, not only the good faith, but the favour of the crown. His Commons are not always upon a par with his ministers in an application to popular judgment: it is not in the power of the members of this House to go to their election at the moment the most favourable for them. It is in the power of the crown to choose a time for their dissolution whilst great and arduous matters of state and legislation are depending, which may be easily misunderstood, and which cannot be fully explained before that misunderstanding may prove fatal to the honour that belongs, and to the consideration that is due to members of parliament.

“ With his majesty is the gift of all the rewards, the honours, distinctions, favour, and graces of the state; with his majesty is the mitigation of all the rigours of the law; and we rejoice to see the crown possessed of trusts calculated to obtain good-will, and charged with duties which are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature; and justice and safety is all we can expect in the exercise of them. We are to offer salutary, which is not always pleasing, counsel: we are to inquire and to accuse; and the objects of our inquiry and charge will be for the most part persons of wealth, power, and extensive connexions: we are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action, or restrain some function, which before was free: what is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the House of Commons is seen and felt in every burthen that presses on the people. Whilst ultimately we are serving them, and in the first instance whilst we are serving his majesty, it will be hard, indeed, if we should see a House of Commons the victim of its zeal and fidelity, sacrificed by his ministers to those very popular discontents which shall be excited by our dutiful endeavours for the security and greatness of his throne. No other consequence can result from such an example, but that, in future, the House of Commons, consulting its safety at the expence of its duties, and suffering the whole energy of the state to be relaxed, will shrink from every service, which, however necessary, is of a great and arduous nature; or that, willing to provide for the public necessities, and at the same time, to secure the means of performing that task, they will exchange independence for protection, and will court a subservient existence through the favour of those ministers of state, or those secret advisers who ought themselves to stand in awe of the Commons of this realm.

“ A House of Commons, respected by his ministers, is essential to his majesty's service: it is fit that they should

yield to parliament, and not that parliament should be new modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his majesty's advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of administration; and will lose that independent character which, inseparably connecting the honour and reputation with the acts of this House, enables us to afford a real, effective, and substantial support to his government. It is the deference shewn to our opinion, when we dissent from the servants of the crown, which alone can give authority to the proceedings of this House, when it concurs with their measures.

" That authority once lost, the credit of his majesty's crown will be impaired in the eyes of all nations. Foreign powers, who may yet wish to revive a friendly intercourse with this nation, will look in vain for that hold which gave a connexion with Great Britain the preference to an alliance with any other state. A House of Commons of which ministers were known to stand in awe, where every thing was necessarily discussed on principles fit to be openly and publicly avowed, and which could not be retracted or varied without danger, furnished a ground of confidence in the public faith, which the engagement of no state dependent on the fluctuation of personal favour and private advice can ever pretend to. If faith with the House of Commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain, which will not easily be healed.

" That there was a great variance between the late House of Commons and certain persons, whom his majesty has been advised to make and continue as ministers, in defiance of the advice of that House, is notorious to the world. That House did not confide in those ministers: and they withheld their confidence from them for reasons for which posterity will honour and respect the names of those who composed that House of Commons, distinguished

for its independence. They could not confide in persons who have shewn a disposition to dark and dangerous intrigues. By these intrigues they have weakened, if not destroyed, the clear assurance which his majesty's people, and which all nations ought to have, of what are, and what are not, the real acts of his government.

“ If it should be seen that his ministers may continue in their offices, without any signification to them of his majesty's displeasure at any of their measures, whilst persons considerable for their rank, and known to have had access to his majesty's sacred person, can with impunity abuse that advantage, and employ his majesty's name to disavow and counteract the proceedings of his official servants, nothing but distrust, discord, debility, contempt of all authority, and general confusion, can prevail in his government.

“ This we lay before his majesty, with humility and concern, as the inevitable effect of a spirit of intrigue in his executive government; an evil which we have but too much reason to be persuaded exists and increases. During the course of the last session it broke out in a manner the most alarming. This evil was infinitely aggravated by the unauthorized, but not disavowed use which has been made of his majesty's name, for the purpose of the most unconstitutional, corrupt, and dishonourable influence on the minds of the members of parliament that ever was practised in this kingdom. No attention, even to the exterior decorum, in the practice of corruption and intimidation employed on peers; was observed: several peers were obliged under menaces to retract their declaration, and to recal their proxies.

“ The Commons have the deepest interest in the purity and integrity of the peerage. The peers dispose of all the property in the kingdom, in the last resort; and they dispose of it on their honour and not on their oaths, as all the members of every other tribunal in the kingdom must do; though in them the proceeding is not conclusive. We have, therefore, a right to demand that no application shall be

they are acquisitions of a new and peculiar description*, unknown to the ancient executive constitution of this country.

“ From time to time, therefore, parliament provided for their government according to its discretion, and to its opinion of what was required by the public necessities. We do not know that his majesty was entitled, by prerogative, to exercise any act of authority whatsoever in the company's affairs, or that in effect such authority has ever been exercised. His majesty's patronage was not taken away by that bill; because it is notorious that his majesty never originally had the appointment of a single officer, civil or military, in the company's establishment in India; nor has the least degree of patronage ever been acquired to the crown in any other manner or measure than as the power was thought expedient to be granted by act of

* The territorial possessions in the East Indies were acquired to the company, in virtue of grants from the great mogul, in the nature of offices and jurisdictions, to be held under him, and dependent upon his crown; with the express condition of being obedient to orders from his court, and of paying an annual tribute to his treasury. It is true, that no obedience is yielded to these orders; and for some time past there has been no payment made of this tribute. But it is under a grant, so conditioned, that they still hold. To subject the king of Great Britain as tributary to a foreign power, by the acts of his subjects — to suppose the grant valid, and yet the condition void — to suppose it good for the king, and insufficient for the company — to suppose it an interest divisible between the parties; — these are some few of the many legal difficulties to be surmounted, before the common law of England can acknowledge the East India Company's Asiatic affairs to be a subject matter of prerogative, so as to bring it within the verge of English jurisprudence. It is a very anomalous species of power and property which is held by the East India Company. Our English prerogative law does not furnish principles, much less precedents, by which it can be defined or adjusted. Nothing but the eminent dominion of parliament over every British subject in every concern, and in every circumstance in which he is placed, can adjust this new intricate matter. Parliament may act wisely or unwisely, justly or unjustly: but parliament alone is competent to it.

parliament; that is, by the very same authority by which the offices were disposed of and regulated in the bill which his majesty's servants have falsely and injuriously represented as infringing upon the prerogative of the crown.

" Before the year 1773 the whole administration of India, and the whole patronage to office there, was in the hands of the East India Company. The East India Company is not a branch of his majesty's prerogative administration, nor does that body exercise any species of authority under it, nor indeed from any British title, that does not derive all its legal validity from acts of parliament.

" When a claim was asserted to the India territorial possessions in the occupation of the company, these possessions were not claimed as parcel of his majesty's patrimonial estate, or as a fruit of the ancient inheritance of his crown. They were claimed for the public. And when agreements were made with the East India Company concerning any composition for the holding, or any participation of the profits of those territories, the agreement was made with the public, and the preambles of the several acts have uniformly so stated it. These agreements were not made (even nominally) with his majesty, but with parliament; and the bills making and establishing such agreements always originated in this House, which appropriated the money to await the disposition of parliament, without the ceremony of previous consent from the crown even so much as suggested by any of his ministers; which previous consent is an observance of decorum, not indeed of strict right, but generally paid when a new appropriation takes place in any part of his majesty's prerogative revenues.

" In pursuance of a right thus uniformly recognised and uniformly acted on, when parliament undertook the reformation of the East India Company in 1773, a commission was appointed as the commission in the late bill was appointed; and it was made to continue for a term of years, as the commission in the late bill was to continue; all the commissioners were named in parliament, as in the late bill

they were named. As they received, so they held their offices, wholly independent of the crown; they held them for a fixed term; they were not removable by an address of either House, or even of both Houses of parliament — a precaution observed in the late bill, relative to the commissioners proposed therein; nor were they bound by the strict rules of proceeding which regulated and restrained the late commissioners against all possible abuse of a power which could not fail of being diligently and zealously watched by the ministers of the crown, and the proprietors of the stock, as well as by parliament. Their proceedings were, in that bill, directed to be of such a nature as easily to subject them to the strictest revision of both, in case of any malversation.

“ In the year 1780, an act of parliament again made provision for the government of those territories for another four years, without any sort of reference to prerogative; nor was the least objection taken at the second, more than at the first of those periods, as if an infringement had been made upon the rights of the crown; yet his majesty's ministers have thought fit to represent the late commission as an entire innovation on the constitution, and the setting up a new order and estate in the nation, tending to the subversion of the monarchy itself.

“ If the government of the East Indies, other than by his majesty's prerogative, be, in effect, a fourth order in the commonwealth, this order has long existed; because the East India Company has for many years enjoyed it in the fullest extent, and does at this day enjoy the whole administration of those provinces, and the patronage to offices throughout that great empire, except as it is controlled by act of parliament.

“ It was the ill condition, and ill administration of the company's affairs, which induced this House (merely as a temporary establishment) to vest the same powers which the company did before possess (and no other), for a limited time, and under very strict directions, in proper hands, until they could be restored, or further provision made

concerning them. It was therefore no creation whatever of a new power, but the removal of an old power, long since created, and then existing, from the management of those persons who had manifestly and dangerously abused their trust. This House, which well knows the parliamentary origin of all the Company's powers and privileges, and is not ignorant or negligent of the authority which may vest those powers and privileges in others, if justice and the public safety so require, is conscious to itself, that it no more creates a new order in the state, by making occasional trustees for the direction of the Company, than it originally did in giving a much more permanent trust to the directors, or to the general court of that body. The monopoly of the East India Company was a derogation from the general freedom of trade belonging to his majesty's people. The powers of government, and of peace and war, are parts of prerogative of the highest order. Of our competence to restrain the rights of all his subjects by act of parliament, and to vest those high and eminent prerogatives even in a particular company of merchants, there has been no question. We beg leave most humbly to claim as our right, and as a right which this House has always used, to frame such bills, for the regulation of that commerce, and of the territories held by the East India Company, and every thing relating to them, as to our discretion shall seem fit: and we assert and maintain, that therein we follow, and do not innovate on the constitution.

“ That his majesty's ministers, misled by their ambition, have endeavoured, if possible, to form a faction in the country against the popular part of the constitution; and have therefore thought proper to add to their slanderous accusation against a House of parliament, relative to his majesty's prerogative, another of a different nature, calculated for the purpose of raising fears and jealousies among the corporate bodies of the kingdom, and of persuading uninformed persons belonging to those corporations to look to, and to make addresses to them as protectors of their rights, under their several charters, from the designs which

they, without any ground, charged the then House of Commons to have formed against charters in general. For this purpose they have not scrupled to assert that the exertion of his majesty's prerogative in the late precipitate change in his administration, and the dissolution of the late parliament, were measures adopted in order to rescue the people and their rights out of the hands of the House of Commons, their representatives.

"We trust that his majesty's subjects are not yet so far deluded as to believe that the charters, or that any other of their local or general privileges, can have a solid security in any place but where that security has always been looked for, and always found, in the House of Commons. Miserable and precarious indeed would be the state of their franchises, if they were to find no defence but from that quarter from whence they have always been attacked*.

* The attempt upon charters and the privileges of the corporate bodies of the kingdom in the reigns of Charles II. and James II. was made by the crown. It was carried on by the ordinary course of law, in courts instituted for the security of the property and franchises of the people. This attempt made by the crown was attended with complete success. The corporate rights of the city of London, and of all the companies it contains, were by solemn judgment of law declared forfeited; and all their franchises, privileges, properties, and estates, were of course seized into the hands of the crown. The injury was from the crown; the redress was by parliament. A bill was brought into the House of Commons, by which the judgment against the city of London, and against the companies, was reversed; and this bill passed the House of Lords without any complaint of trespass on their jurisdiction, although the bill was for a reversal of judgment in law. By this act, which is the 2d of William and Mary, ch. 8., the question of forfeiture of that charter is for ever taken out of the power of any court of law. No cognizance can be taken of it except in parliament.

Although the act above mentioned has declared the judgment against the corporation of London to be illegal, yet Blackstone makes no scruple of asserting, that, "perhaps in strictness of law, the proceedings in most of them [the Quo Warranto causes] were sufficiently regular," leaving it in doubt whether this regularity did not apply to the corporation of London as well as to any of the rest; and he seems to blame the proceeding (as most blamable it was) not so much on account of

But the late House of Commons, in passing that bill, made no attack upon any powers or privileges, except such.

illegality, as for the crown's having employed a legal proceeding for political purposes. He calls it "an exertion of an act of law for the purposes of the state."

The same security which was given to the city of London, would have been extended to all the corporations, if the House of Commons could have prevailed. But the bill for that purpose passed but by a majority of one in the lords: and it was entirely lost by a prerogation, which is the act of the crown. Small, indeed, was the security which the corporation of London enjoyed before the act of William and Mary, and which all the other corporations, secured by no statute, enjoy at this hour, if strict law was employed against them. The use of strict law has always been rendered very delicate by the same means, by which the almost unmeasured legal powers residing (and in many instances dangerously residing) in the crown are kept within due bounds; I mean, that strong superintending power in the House of Commons, which inconsiderate people have been prevailed on to condemn as trenching on prerogative. Strict law is by no means such a friend to the rights of the subject as they have been taught to believe. They who have been most conversant in this kind of learning, will be most sensible of the danger of submitting corporate rights of high political importance to these subordinate tribunals. The general heads of law on that subject are vulgar and trivial. On them there is not much question. But it is far from easy to determine what special acts, or what special neglect of action, shall subject corporations to a forfeiture. There is so much laxity in this doctrine, that great room is left for favour or prejudice, which might give to the crown an entire dominion over those corporations. On the other hand, it is undoubtedly true, that every subordinate corporate right ought to be subject to controul; to superior direction; and even to forfeiture, upon just cause. In this reason and law agree. In every judgment given on a corporate right of great political importance, the policy and prudence make no small part of the question. To these considerations a court of law is not competent; and indeed an attempt at the least intermixture of such ideas with the matter of law, could have no other effect than wholly to corrupt the judicial character of the court in which such a cause should come to be tried. It is besides to be remarked, that if in virtue of a legal process a forfeiture should be adjudged, the court of law has no power to modify or mitigate. The whole franchise is annihilated, and the corporate property goes into the hands of the crown. They who hold the new doctrines concerning the power of the House of Commons, ought well to consider in such a case by what means the corporate

as a House of Commons has frequently attacked, and will attack, (and they trust, in the end, with their wonted success,) that is, upon those which are corruptly and oppressively

rights could be revived, or the property could be recovered out of the hands of the crown. But parliament can do what the courts neither can do nor ought to attempt. Parliament is competent to give due weight to all political considerations. It may modify, it may mitigate, and it may render perfectly secure, all that it does not think fit to take away. It is not likely that parliament will ever draw to itself the cognizance of questions concerning ordinary corporations, farther than to protect them in case attempts are made to induce a forfeiture of their franchises.

The case of the East India Company is different even from that of the greatest of these corporations. No monopoly of trade beyond their own limits is vested in the corporate body of any town or city in the kingdom. Even within these limits the monopoly is not general. The Company has the monopoly of the trade of half the world. The first corporation of the kingdom has for the object of its jurisdiction only a few matters of subordinate police. The East India Company governs an empire through all its concerns, and all its departments, from the lowest office of economy to the highest councils of state, — an empire to which Great Britain is in comparison but a respectable province. To leave these concerns without superior cognizance would be madness; to leave them to be judged in the courts below on the principles of a confined jurisprudence, would be folly. It is well if the whole legislative power is competent to the correction of abuses, which are commensurate to the immensity of the object they affect. The idea of an absolute power has indeed its terrors; but that objection lies to every parliamentary proceeding; and as no other can regulate the abuses of such a charter, it is fittest that sovereign authority should be exercised where it is most likely to be attended with the most effectual correctives. These correctives are furnished by the nature and course of parliamentary proceedings, and by the infinitely diversified characters who compose the two Houses. In effect and virtually they form a vast number, variety, and succession of judges and jurors. The fulness, the freedom, and publicity of discussion, leave it easy to distinguish what are acts of power, and what the determinations of equity and reason. There prejudice corrects prejudice, and the different asperities of party seal mitigate and neutralise each other. So far from violence being the general characteristic of the proceedings of parliament, whatever the beginnings of any parliamentary process may be, its general fault is the end is, that it is found incomplete and ineffectual.

administered; and this House do faithfully assure his majesty, that we will correct, and, if necessary for the purpose, as far as in us lies, will wholly destroy every species of power and authority exercised by British subjects to the oppression, wrong, and detriment of the people, and to the impoverishment and desolation of the countries subject to it.

“ The propagators of the calumnies against that House of parliament have been indefatigable in exaggerating the supposed injury done to the East India Company by the suspension of the authorities which they have, in every instance, abused; as if power had been wrested, by wrong and violence, from just and prudent hands: but they have, with equal care, concealed the weighty grounds and reasons on which that House had adopted the most moderate of all possible expedients for rescuing the natives of India from oppression, and for saving the interest of the real and honest proprietors of their stock, as well as that great national, commercial concern, from imminent ruin.

“ The ministers aforesaid have also caused it to be reported, that the House of Commons have confiscated the property of the East India Company. It is the reverse of truth. The whole management was a trust for the proprietors, under their own inspection, (and it was so provided for in the bill,) and under the inspection of parliament. That bill, so far from confiscating the Company's property, was the only one which, for several years past, did not, in some shape or other, affect their property, or restrain them in the disposition of it.

“ It is proper that his majesty and all his people should be informed, that the House of Commons have proceeded, with regard to the East India Company, with a degree of care, circumspection, and deliberation, which has not been equalled in the history of parliamentary proceedings. For sixteen years the state and condition of that body has never been wholly out of their view: in the year 1767, the House took those objects into consideration, in a committee of the whole House: the business was pursued in the following

year: in the year 1772, two committees were appointed for the same purpose, which examined into their affairs with much diligence, and made very ample reports: in the year 1773, the proceedings were carried to an act of parliament, which proved ineffectual to its purpose: the oppressions and abuses in India have since rather increased than diminished, on account of the greatness of the temptations and convenience of the opportunities, which got the better of the legislative provisions calculated against ill practices, then in their beginnings; insomuch that, in 1781, two committees were again instituted, who have made seventeen reports. It was upon the most minute, exact, and laborious collection and discussion of facts, that the late House of Commons proceeded in the reform which they attempted in the administration of India, but which has been frustrated by ways and means the most dishonourable to his majesty's government, and the most pernicious to the constitution of this kingdom. His majesty was so sensible of the disorders in the Company's administration, that the consideration of that subject was no less than six times recommended to this House in speeches from the throne.

"The result of the parliamentary inquiries has been, that the East India Company was found totally corrupted, and totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace given by the charter had been abused, by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made, have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the diminution of our strength, and to the infinite dishonour of our national character; that the laws of this kingdom are notoriously, and almost in every instance, despised; that the servants of the Company, by the purchase of qualifications to vote in the general court, and at length, by getting the Company itself deeply in their debt, have obtained the entire and absolute mastery in the body by which they ought to have been

ruled and coerced. Thus their malversations in office are supported instead of being checked by the Company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men, who are under the protection of this nation, and who ought to be protected by it, are oppressed by a most despotic and rapacious tyranny. The Company and their servants have strengthened themselves by this confederacy, have set at defiance the authority and admonitions of this House employed to reform them; and when this House had selected certain principal delinquents, whom they declared it the duty of the Company to recal, the Company held out its legal privileges against all reformation, positively refused to recal them, and supported those who had fallen under the just censure of this House, with new and stronger marks of countenance and approbation.

“ The late House discovering the reversed situation of the Company, by which the nominal servants are really the masters, and the offenders are become their own judges, thought fit to examine into the state of their commerce; and they have also discovered that their commercial affairs are in the greatest disorder, that their debts have accumulated beyond any present or obvious future means of payment, at least under the actual administration of their affairs; that this condition of the East India Company has begun to affect the sinking fund itself, on which the public credit of the kingdom rests, a million and upwards being due to the customs, which that House of Commons, whose intentions towards the Company have been so grossly misrepresented, were indulgent enough to respite. And thus, instead of confiscating their property, the Company received without interest (which in such a case had been before charged) the use of a very large sum of the public money. The revenues are under the peculiar care of this House, not only as the revenues originate from us, but as, on every failure of the funds set apart for support of the national credit, or to provide for the national strength and safety,

the task of supplying every deficiency falls upon his majesty's faithful Commons, this House must, in effect, tax the people. The House, therefore, at every moment, incurs the hazard of becoming obnoxious to its constituents.

" The enemies of the late House of Commons resolved, if possible, to bring on that event. They therefore endeavoured to misrepresent the provident means adopted by the House of Commons for keeping off this invidious necessity, as an attack on the rights of the East India Company; for they well knew that on the one hand if, for want of proper regulation and relief, the Company should become insolvent, or even stop payment, the national credit and commerce would sustain an heavy blow; and that calamity would be justly imputed to parliament, which after such long inquiries, and such frequent admonitions from his majesty, had neglected so essential and so urgent an article of their duty: on the other hand they knew, that, wholly corrupted as the Company is, nothing effectual could be done to preserve that interest from ruin, without taking for a time the national objects of their trusts out of their hands; and then a cry would be industriously raised against the House of Commons, as depriving British subjects of their legal privileges. The restraint, being plain and simple, must be easily understood by those who would be brought with great difficulty to comprehend the intricate detail of matters of fact, which render this suspension of the administration of India absolutely necessary on motives of justice, of policy, of public honour, and public safety.

" The House of Commons had not been able to devise a method, by which the redress of grievances could be effected through the authors of those grievances; nor could they imagine how corruptions could be purified by the corruptors and the corrupted; nor do we conceive how any reformation can proceed from the known abettors and supporters of the persons who have been guilty of the misdemeanors which parliament has reprobated, and who for their own ill purposes have given countenance to a false

and delusive state of the Company's affairs, fabricated to mislead parliament, and to impose upon the nation.*

" Your Commons feel, with a just resentment, the inadequate estimate which your ministers have formed of the importance of this great concern. They call on us to act upon the principles of those who have not inquired into the subject; and to condemn those who, with the most laudable diligence, have examined and scrutinized every part of it. The deliberations of parliament have been broken; the season of the year is unfavourable: many of us are new members, who must be wholly unacquainted with the subject, which lies remote from the ordinary course of general information.

" We are cautioned against an infringement of the constitution; and it is impossible to know what the secret advisers of the crown, who have driven out the late ministers for their conduct in parliament, and have dissolved the late parliament for a pretended attack upon prerogative, will consider as such an infringement. We are not furnished with a rule, the observance of which can make us safe from the resentment of the crown, even by an implicit obedience to the dictates of the ministers who have advised that speech; we know not how soon those ministers may be disavowed, and how soon the members of this House, for our very agreement with them, may be considered as objects of his majesty's displeasure. Until by his majesty's goodness and wisdom the late example is completely done away, we are not free.

" We are well aware, in providing for the affairs of the East, with what an adult strength of abuse, and of wealth

* The purpose of the misrepresentation being now completely answered, there is no doubt but the committee in this parliament, appointed by the ministers themselves, will justify the grounds upon which the last parliament proceeded; and will lay open to the world the dreadful state of the Company's affairs, and the grossness of their own calumnies upon this head. By delay the new assembly is come into the disgraceful situation of allowing a dividend of eight per cent. by act of parliament, without the least matter before them to justify the granting of any dividend at all.

and influence growing out of that abuse, his majesty's Commons had, in the last parliament, and we still have to struggle. We are sensible that the influence of that wealth, in a much larger degree and measure than at any former period, may have penetrated into the very quarter from whence alone any real information can be expected.*

" If, therefore, in the arduous affairs recommended to us, our proceedings should be ill adapted, feeble, and ineffectual; if no delinquency should be prevented, and no delinquent should be called to account: if every person should be caressed, promoted, and raised in power, in proportion to the enormity of his offences; if no relief should be given to any of the natives unjustly dispossessed of their rights, jurisdictions, and properties; if no cruel and unjust exactions shall be forborne; if the source of no peculation or oppressive gain should be cut off; if, by the omission of the opportunities that were in our hands, our Indian empire should fall into ruin irretrievable, and

* This will be evident to those who consider the number and description of directors and servants of the East India Company, chosen into the present parliament. The light in which the present ministers hold the labours of the House of Commons, in searching into the disorders in the Indian administration, and all its endeavours for the reformation of the government there, without any distinction of times, or of the persons concerned, will appear from the following extract from a speech of the present Lord Chancellor (Thurlow). After making a high-flown panegyric on those whom the House of Commons had condemned by their resolutions, he said — " Let us not be misled by reports from committees of another House, to which, I again repeat, I pay as much attention as I would do to the history of Robinson Crusoe. Let the conduct of the East India Company be fairly and fully inquired into; let it be acquitted or condemned by evidence brought to the bar of the House. Without entering very deep into the subject, let me reply in a few words to an observation which fell from a noble and learned lord, that the Company's finances are distressed, and that they owe at this moment a million sterling to the nation. When such a charge is brought, will parliament in its justice forget that the Company is restricted from employing that credit which its great and flourishing situation gives to it?" See *New Parliamentary History*, vol. xxlv. p. 124.

in its fall crush the credit, and overwhelm the revenues of this country, we stand acquitted to our honour, and to our conscience, who have reluctantly seen the weightiest interests of our country, at times the most critical to its dignity and safety, rendered the sport of the inconsiderate and unmeasured ambition of individuals, and by that means the wisdom of his majesty's government degraded in the public estimation, and the policy and character of this renowned nation rendered contemptible in the eyes of all Europe."

Mr. William Windham seconded the motion; which was negatived without a division.

REFORM OF THE REPRESENTATION OF THE COMMONS IN PARLIAMENT.

June 16.

THIS day Mr. Alderman Sawbridge moved, "That a committee be appointed to take into consideration the present state of the representation of the Commons of Great Britain in parliament." The motion was supported by Mr. Alderman Newnham, the Earl of Surrey, Sir E. Astley, Mr. Beaufoy, Mr. Pitt, Mr. Fox, Mr. Burgoyne, Mr. Sheridan, and others; and opposed by Lord North, Mr. Dundas, Mr. Burke, Mr. W. W. Grenville, and Lord Mulgrave. As soon as Mr. Fox sat down, there was a violent clamour for the question, and the gallery was cleared of strangers. Mr. Burke with a great deal of difficulty obtained a hearing. The following imperfect report of what he said upon this occasion, was found among his MS. papers:

Mr. BURKE rose and said:

Mr. Speaker; we have now discovered, at the close of the eighteenth century, that the constitution of England, which for a series of ages had been the proud distinction

of this country, always the admiration, and sometimes the envy of the wise and learned in every other nation, — we have discovered that this boasted constitution, in the most boasted part of it, is a gross imposition upon the understanding of mankind, an insult to their feelings, and acting by contrivances destructive to the best and most valuable interests of the people. Our political architects have taken a survey of the fabric of the British constitution. It is singular, that they report nothing against the crown, nothing against the Lords; but in the House of Commons every thing is unsound; it is ruinous in every part. It is infested by the dry rot, and ready to tumble about our ears without their immediate help. You know by the faults they find, what are their ideas of the alteration. As all government stands upon opinion, they know that the way utterly to destroy it is to remove that opinion, to take away all reverence, all confidence from it; and then, at the first blast of public discontent and popular tumult, it tumbles to the ground.

In considering this question, they, who oppose it, oppose it on different grounds; one is, in the nature of a previous question; that some alterations may be expedient, but that this is not the time for making them. The other is, that no essential alterations are at all wanting: and that neither *now*, nor at *any* time, is it prudent or safe to be meddling with the fundamental principles, and ancient tried usages of our constitution — that our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be; and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism and rash experiment.

On the other side, there are two parties, who proceed on two grounds, in my opinion, as they state them, utterly irreconcilable. The one is juridical, the other political. The one is in the nature of a claim of right, on the supposed rights of man as man; this party desire the decision of a suit. The other ground, as far as I can divine what it directly means, is, that the representation is not so poli-

tically framed as to answer the theory of its institution. As to the claim of *right*, the meanest petitioner, the most gross and ignorant, is as good as the best; in some respects his claim is more favourable on account of his ignorance; his weakness, his poverty, and distress, only add to his titles; he sues in *formâ pauperis*; he ought to be a favourite of the court. But when the *other* ground is taken, when the question is political, when a new constitution is to be made on a sound theory of government, then the presumptuous pride of didactic ignorance is to be excluded from the counsel in this high and arduous matter, which often bids defiance to the experience of the wisest. The first claims a personal representation, the latter rejects it with scorn and fervour. The language of the first party is plain and intelligible; they, who plead an absolute right, cannot be satisfied with any thing short of personal representation, because all *natural* rights must be the rights of individuals; as by *nature* there is no such thing as politic or corporate personality; all these ideas are mere fictions of law, they are creatures of voluntary institution; men as men are individuals, and nothing else. They, therefore, who reject the principle of natural and personal representation, are essentially and eternally at variance with those who claim it. As to the first sort of reformers, it is ridiculous to talk to them of the British constitution upon any or upon all of its bases; for they lay it down, that every man ought to govern himself, and that where he cannot go himself he must send his representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our right, but our duty, to resist it. Nine tenths of the reformers argue thus, that is, on the natural right. It is impossible not to make some reflection on the nature of this claim, or avoid a comparison between the extent of the principle and the present object of the demand. If this claim be founded, it is clear to what it goes. The House of Commons, in that light, undoubtedly is no representative of the people as a collection of individuals. Nobody pretends it, nobody can justify such an assertion. When you come to

examine into this claim of right, founded on the right of self-government in each individual, you find the thing demanded infinitely short of the principle of the demand. What! one *third* only of the legislature, and of the government no share at all? What sort of treaty of partition is this for those who have an inherent right to the whole? Give them all they ask, and your grant is still a cheat; for how comes only a third to be their younger children's fortune in this settlement? How came they neither to have the choice of kings, or lords, or judges, or generals, or admirals, or bishops, or priests, or ministers, or justices of peace? Why, what have you to answer in favour of the prior rights of the crown and peerage, but this — our constitution is a prescriptive constitution; it is a constitution whose sole authority is, that it has existed time out of mind. It is settled in these *two* portions against one, legislatively; and in the whole of the judicature, the whole of the federal capacity, of the executive, the prudential, and financial administration, in one alone. Nor was your House of Lords and the prerogatives of the crown settled on any adjudication in favour of natural rights, for they could never be so partitioned. Your king, your lords, your judges, your juries, grand and little, all are prescriptive; and what proves it, is, the disputes not yet concluded, and never near becoming so, when any of them first originated. Prescription is the most solid of all titles, not only to property, but, which is to secure that property, to government. They harmonize with each other, and give mutual aid to one another. It is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favour of any settled scheme of government against any untried project, that a nation has long existed and flourished under it. It is a better presumption, even of the *choice* of a nation, far better than any sudden and temporary arrangement by actual election. Because a nation is not an idea only of local extent, and individual momentary aggregation, but it is an idea of continuity, which extends in time as well as

in numbers, and in space. And this is a choice, not of one day, or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations; it is a constitution made by what is ten thousand times better than choice; it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves only in a long space of time. It is a vestment, which accommodates itself to the body. Nor is prescription of government formed upon blind, unmeaning prejudices—for man is a most unwise, and a most wise being. The individual is foolish. The multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species it almost always acts right.

The reason for the crown as it is, for the Lords as they are, is my reason for the Commons as they are, the electors as they are. Now, if the crown and the lords, and the judicatures, are all prescriptive, so is the House of Commons of the very same origin, and of no other. We and our electors have their powers and privileges both made and circumscribed by prescription, as much to the full as the other parts; and as such we have always claimed them, and on no other title. The House of Commons is a legislative body corporate by prescription, not made upon any given theory, but existing prescriptively—just like the rest. This prescription has made it essentially what it is, an aggregate collection of three parts, knights, citizens, burgesses. The question is, whether this has been always so, since the House of Commons has taken its present shape and circumstances, and has been an essential operative part of the constitution; which, I take it, it has been for at least five hundred years.

This I resolve to myself in the affirmative: and then another question arises, whether this House stands firm upon its ancient foundations, and is not, by time and accidents, so declined from its perpendicular as to want the hand of the wise and experienced architects of the day to

set it upright again, and to prop and buttress it up for duration; — whether it continues true to the principles upon which it has hitherto stood; — whether this be *de facto* the constitution of the House of Commons, as it has been since the time that the House of Commons has, without dispute, become a necessary and an efficient part of the British constitution? To ask whether a thing, which has always been the same, stands to its usual principle, seems to me to be perfectly absurd; for how do you know the principles but from the construction? and if that remains the same, the principles remain the same. It is true, that to say your constitution is what it has been, is no sufficient defence for those who say it is a bad constitution. It is an answer to those who say that it is a degenerate constitution. To those, who say it is a bad one, I answer, look to its effects. In all moral machinery the moral results are its test.

On what grounds do we go, to restore our constitution to what it has been at some given period, or to reform and re-construct it upon principles more conformable to a sound theory of government? A prescriptive government, such as ours, never was the work of any legislator, never was made upon any foregone theory. It seems to me a preposterous way of reasoning, and a perfect confusion of ideas, to take the theories, which learned and speculative men have made from that government, and then, supposing it made on those theories, which were made from it, to accuse the government as not corresponding with them. I do not vilify theory and speculation — no, because that would be to vilify reason itself. *Neque decipitur ratio, neque decipit unquam.* No; whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory is by comparing it with practice. This is the true touchstone of all theories, which regard man and the affairs of men — does it suit his nature in general? — does it suit his nature as modified by his habits?

The more frequently this affair is discussed, the stronger the case appears to the sense and the feelings of mankind. I have no more doubt than I entertain of my existence, that this very thing, which is stated as an horrible thing, is the means of the preservation of our constitution, whilst it lasts; of curing it of many of the disorders, which, attending every species of institution, would attend the principle of an exact local representation, or a representation on the principle of numbers. If you reject personal representation, you are pushed upon expedience; and then what they wish us to do is, to prefer their speculations on that subject to the happy experience of this country of a growing liberty and a growing prosperity for five hundred years. Whatever respect I have for their talents, this, for one, I will not do. Then what is the standard of expedience? Expedience is that which is good for the community, and good for every individual in it. Now this expedience is the *desideratum* to be sought either without the experience of means, or with that experience. If without, as in case of the fabrication of a new commonwealth, I will hear the learned arguing what promises to be expedient: but if we are to judge of a commonwealth actually existing, the first thing I inquire is, what has been *found* expedient or inexpedient? And I will not take their *promise* rather than the *performance* of the constitution.

* * * But no, this was not the cause of the discontent. I went through most of the northern parts, — the Yorkshire election was then raging; the year before, through most of the western counties — Bath, Bristol, Gloucester, — not one word, either in the towns or country, on the subject of representation; much on the receipt tax, something on Mr. Fox's ambition; much greater apprehension of danger from thence than from want of representation. One would think that the ballast of the ship was shifted with us, and that our constitution had the gunnel under water. But can you fairly and distinctly point out what one evil or grievance has happened, which you can refer to the representative not following the opinion of his

constituents? What one symptom do we find of this inequality? But it is not an arithmetical inequality, with which we ought to trouble ourselves. If there be a moral, a political equality, this is the *desideratum* in our constitution, and in every constitution in the world. Moral inequality is as between places and between classes. Now I ask, what advantage do you find, that the places, which abound in representation, possess over others, in which it is more scanty, in security for freedom, in security for justice, or in any one of those means of procuring temporal prosperity and eternal happiness, the ends for which society was formed? Are the local interests of Cornwall and Wiltshire, for instance, their roads, canals, their prisons, their police, better than Yorkshire, Warwickshire, or Staffordshire? Warwick has members; is Warwick, or Stafford, more opulent, happy, or free than Newcastle, or than Birmingham? Is Wiltshire the pampered favourite, whilst Yorkshire, like the child of the bond-woman, is turned out to the desert? This is like the unhappy persons, who live, if they can be said to live, in the statal chair; who are ever feeling their pulse, and who do not judge of health by the aptitude of the body to perform its functions, but by their ideas of what ought to be the true balance between the several secretions. Is a committee of Cornwall, &c. thronged, and the others deserted? No. You have an equal representation, because you have men equally interested in the prosperity of the whole, who are involved in the general interest and the general sympathy; and, perhaps, these places, furnishing a superfluity of public agents and administrators, (whether in strictness they are representatives or not, I do not mean to inquire, but they are agents and administrators,) will stand clearer of local interests, passions, prejudices, and cabals, than the others, and therefore preserve the balance of the parts, and with a more general view, and a more steady hand, than the rest.

* * * * *

In every political proposal we must not leave out of the question the political views and object of the proposer; and these we discover, not by what he says, but by the prin-

ciples he lays down. I mean, says he, a moderate and temperate reform; that is, I mean to do as little good as possible. If the constitution be what you represent it, and there be no danger in the change, you do wrong not to make the reform commensurate to the abuse. Fine reformer indeed! generous donor! What is the cause of this parsimony of the liberty, which you dole out to the people? Why all this limitation in giving blessings and benefits to mankind? You admit that there is an extreme in liberty, which may be infinitely noxious to those who are to receive it, and which in the end will leave them no liberty at all. I think so too; they know it, and they feel it. The question is then, what is the standard of that extreme? What that gentleman, and the associations, or some parts of their phalanxes, think proper? Then our liberties are in their pleasure; it depends on their arbitrary will how far I shall be free. I will have none of that freedom. If, therefore, the standard of moderation be sought for, I will seek for it. Where? Not in their fancies, nor in my own: I will seek for it where I know it is to be found, in the constitution I actually enjoy. Here it says to an encroaching prerogative, — Your sceptre has its length, you cannot add an hair to your head, or a gem to your crown, but what an eternal law has given to it. Here it says to an overweening peerage, — Your pride finds banks, that it cannot overflow: here to a tumultuous and giddy people, — There is a bound to the raging of the sea. Our constitution is like our island, which uses and restrains its subject sea; in vain the waves roar. In that constitution I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence, which constitutes, and is the only thing, which does constitute, the proud and comfortable sentiment of freedom in the human breast. I know too, and I bless God for my safe mediocrity; I know that, if I possessed all the talents

... at the side of the House I sit, and on
... by royal favour, or by popular delu-
... cabal, elevate myself above a cer-
... point, so as to endanger my own fall, or the
... country. I know there is an order, that keeps
... in their place; it is made to us, and we are
... Why not ask another wife, other children,
... only, another mind?

The great object of most of these reformers is to pre-
... the destruction of the constitution, by disgracing and
... the House of Commons. For they think,
... in my opinion, that if they can persuade the
... that the House of Commons is so constituted as
... not to secure the public liberty; not to have a proper con-
...nexion with the public interests, so constituted as not
... either actually or virtually to be the representative of the
... people, it will be easy to prove, that a government com-
...posed of a monarchy, an oligarchy chosen by the crown,
... and such a House of Commons, whatever good can be in
... such a system, can by no means be a system of free go-
...vernment.

The constitution of England is never to have a quietus;
it is to be continually vilified, attacked, reproached, re-
sisted; instead of being the hope and sure anchor in all
storms, instead of being the means of redress to all griev-
ances, itself is the grand grievance of the nation, our
shame instead of our glory. If the only specific plan pro-
posed, individual personal representation, is directly re-
jected by the person, who is looked on as the great support
of this business, then the only way of considering it is a
question of convenience. An honourable gentleman prefers
the individual to the present. He therefore himself sees no
middle term whatsoever, and therefore prefers of what he
sees the individual; this is the only thing distinct and sen-
sible that has been advocated. He has then a scheme,
which is the individual representation; he is not at a loss,
not inconsistent — which scheme the other right honour-
able gentleman reprobates. Now, what does this go to,

but to lead directly to anarchy? For to discredit the only government, which he either possesses or can project, what is this but to destroy all government; and this is anarchy. My right honourable friend *, in supporting this motion, disgraces his friends and justifies his enemies, in order to blacken the constitution of his country, even of that House of Commons which supported him. There is a difference between a moral or political exposure of a public evil, relative to the administration of government, whether in men or systems, and a declaration of defects, real or supposed, in the fundamental constitution of your country: The first may be cured in the individual by the motives of religion, virtue, honour, fear, shame, or interest. Men may be made to abandon also false systems, by exposing their absurdity or mischievous tendency to their own better thoughts, or to the contempt or indignation of the public; and after all, if they should exist, and exist uncorrected, they only disgrace individuals as fugitive opinions. But it is quite otherwise with the frame and constitution of the state; if that is disgraced, patriotism is destroyed in its very source. No man has ever willingly obeyed, much less was desirous of defending with his blood, a mischievous and absurd scheme of government. Our first, our dearest, most comprehensive relation, our country, is gone.

It suggests melancholy reflections, in consequence of the strange course we have long held, that we are now no longer quarrelling about the character, or about the conduct of men, or the tenour of measures; but we are grown out of humour with the English constitution itself; this is become the object of the animosity of Englishmen. This constitution in former days used to be the admiration and the envy of the world; it was the pattern for politicians; the theme of the eloquent; the meditation of the philosopher in every part of the world. As to Englishmen, it was their pride, their consolation. By it they lived, for

* Mr. Fox.

it they were ready to die. Its defects, if it had any, were partly covered by partiality, and partly born by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation. It is despised and rejected of men; and every device and invention of ingenuity, or idleness, set up in opposition or in preference to it. It is to this humour, and it is to the measures growing out of it, that I set myself (I hope not alone) in the most determined opposition. Never before did we at any time in this country meet upon the theory of our frame of government, to sit in judgment on the constitution of our country, to call it as a delinquent before us, and to accuse it of every defect and every vice; to see whether it, an object of our veneration, even our adoration, did or did not accord with a pre-conceived scheme in the minds of certain gentlemen. Cast your eyes on the journals of parliament. It is for fear of losing the inestimable treasure we have, that I do not venture to game it out of my hands for the vain hope of improving it. I look with filial reverence on the constitution of my country, and never will cut it in pieces, and put it into the kettle of any magician, in order to boil it, with the puddle of their compounds, into youth and vigour. On the contrary, I will drive away such pretenders; I will nurse its venerable age, and with lenient arts extend a parent's breath.

The previous question having been moved by Lord Mulgrave, the House divided on Mr. Alderman Sawbridge's motion: Yeas 125: Noes 199. So it passed in the negative.

INQUIRY INTO THE CONDUCT OF MR. HASTINGS.

July 28.

AFTER a variety of business had been gone through, at eleven o'clock at night, the order of the day for the third reading of Mr. Pitt's bill for the government of India was read; upon which,

Mr. BURKE rose. He said, that before the House proceeded to the order of the day for the third reading of the East India bill, he begged leave to submit a few observations to their consideration. At so late an hour as eleven o'clock, he did not mean to go at large into the merits of the bill; but he could not help saying that it was very singular it should contain no preamble, on which the necessity and principle of the bill were founded. A former bill which his right honourable friend * had brought in, contained a long preamble, a narrative of the principal grounds on which it was founded; but the present bill seemed to set at defiance the voluminous reports that the labours and industry of several gentlemen had produced; for it was framed in such a manner, that must convince every thinking man that no credit whatever was given to these reports. Of the bill, he must say, that if it was meant as a remedy, no mention was made in it of a defect which was to be remedied by it; and therefore no one could say whether it was an adequate remedy or not: if, on the other hand, it was admitted that such evils as had been pointed out in the reports really existed, the bill contained no remedy at all; on the contrary, it confirmed all the causes of the calamities in India. The reports accused the Company's servants abroad and the directors at home; the former of rapacity

* Mr. Fox.

and disobedience of orders, the latter of countenancing those servants, by suffering them to disobey and plunder with impunity : the reports pointed out the necessity of removing and recalling those disobedient servants ; the bill went to confirm them in their government : the reports stated, that the government of the Company at home was weak and impolitic ; the new bill left the government in the same hands. It was impossible that all this should have been done, unless the minister in the House of Commons had been of opinion with a great law lord in another place* ; that these reports of the select committee and committee of secrecy were mere fables. For his part, he was ready to declare that if they were filled with falsehoods, they were bold and daring calumnies ; and he himself was a bold calumniator of characters, that deserved the greatest praise. He wished to have an opportunity to determine this fact, whether the reports spoke truth, or were infamous libels on the characters of innocent men : those who thought them libels, would rejoice at proving it to the world ; and therefore they would not refuse the trial they now called for. He was ready to maintain the truth of these reports ; and if he failed in any one part, he would consent to be thought the greatest calumniator in the world. All he wanted was to have the truth or falsehood of the charges in the reports fully ascertained ; those who would oppose the investigation, would justly be deemed desirous of avoiding a discussion, which, by proving that the reports were founded in undeniable facts, would demonstrate the futility of the present bill, which, so far from providing a cure for any evil, was calculated to confirm and make perpetual the calamities under which the unhappy natives of India actually groaned. The reports consisted not merely of charges unsupported by evidence ; for every charge there was a voucher, taken from the Company's own records, which nothing could controvert.

He was not surprised that reports of the last parliament

* Lord Thurlow. See the note at p. 42. of the present volume.

should be disregarded by the present; but he was truly astonished, that the result of inquiries undertaken at the express desire of his majesty in his Speech from the throne two years ago, should be treated with so much disrespect by those who held in high veneration every thing that in any degree related to majesty. He was not less astonished to hear that a learned gentleman *, who had been president of the secret committee, had, with the utmost philosophic composure, heard his labours reviled; and those very reports which did the learned gentleman so much honour, treated as fables and unfounded charges. He was surprised to find, that the same learned gentleman, who had himself moved for the recal of Mr. Hastings, had since declared in full parliament, that this very man, whom he would have recalled as the cause of the calamities of India, had many virtues. The private virtues of a public man were not fit subjects for discussion: it was not of any consequence that Mr. Hastings was a good father, husband, son, or brother; but it was of great importance that he should be a good governor; and if he was a bad one, it was not the domestic virtue of a man that ought to shield from punishment the plundering and exterminating governor. He was ready now to go into the proofs of all the charges contained in the reports against Mr. Hastings; all he looked for was an opportunity to maintain them in the face of the House and of the world; those who would shrink from the inquiry, would shew that they were afraid to touch upon a subject that would demonstrate the absurdity of a bill, which left in the hands of men, both in India and England, a power which they had hitherto most shamefully abused, to the disgrace of this country, the ruin of the Company, and the plundering of the unhappy natives of Hindostan. The learned gentleman would, perhaps, be afraid to find refuted his assertion, that Mr. Hastings had been wrong only in breaking the treaty of Poorundur. The

* Mr. Dundas.

House would judge between him, who wanted nothing more than to have an opportunity to go into the proofs of every charge contained in the reports, and those who would shun and avoid inquiry.

Mr. Burke then made some remarks on that part of the new bill which relates to the establishment of the court of judicature for the trial of East India delinquents. He observed, that there was an obscurity on the very face of it: first, the very idea of a judicature must be founded on the commission of crimes in India; and yet as the bill was prospective, and not retrospective, those persons who had been the delinquents were not to be brought to trial; nay, they were to be continued in the exercise of that power which they had hitherto used only to plunder and exterminate the people. By this bill, the ancient inquisitorial powers of the House of Commons were taken away, their right to order prosecutions annihilated, whilst, at the same time, they were to be vested with judicial powers unknown to the constitution of the House of Commons. They could no longer order the attorney-general to prosecute an East India delinquent: they must now wait until the King's Bench should order the prosecution; and then they must become what the constitution never intended they should be, judges of the law and of the fact. He concluded by moving, "That the House on Monday next do resolve itself into a committee, to inquire into the facts contained in the Reports relative to the misgovernment of India."

Mr. Dundas said, that the honourable member not having been in the House when he had spoken of Mr. Hastings, had been grossly misinformed with respect to what he had said of that gentleman. He never said of him that he had many virtues; it was of little consequence to the public what were his private virtues: what he said of him was, that he was a mixed character, in which much good and much bad was to be found. He never said that he was wrong only in breaking the treaty of Poorundur; for he certainly was to blame for many other things: but the man who could not see the features of a great statesman in the negotiations for the late peace, must shut

his eyes to truth and to conviction. As to the bill which the honourable member had so much blamed, he thought it would be productive of the most salutary consequences; and he was sure he did not innovate upon the constitution, in making the House of Commons exercise judicial powers; for it had always been in the practice of using such powers, and very recently in the case of Sir Thomas Rumbold. He concluded with moving the order of the day.

Mr. BURKE wished the learned gentleman joy of the "mixed character," under the favour of which he was endeavouring to make a retreat. For his part, he would not build a golden bridge to facilitate the escape; on the contrary, he would hiss at and revile an enemy who could think of making a retreat. He wished the learned gentlemen would be so obliging as to mention some of the actions of Mr. Hastings, in which he could discover good: and probably he would be able to attach guilt upon these very actions which the learned gentleman could extol as proofs of merit. Would he say the merits of Mr. Hastings consisted in the extermination of the Rohillas, where that humane governor spared neither man, woman, nor child; where the heads of the unfortunate men were torn from their bodies, while the famished women were crawling through the British camp, to implore the comfort of a little rice? And when the humanity of Colonel Chapman revolted at the horror of such spectacles, and would have relieved them, the generous, tender-hearted Mr. Hastings blamed him for his sensibility? Did the goodness of the governor-general consist in his treatment of Cheyt Sing, of the mother of that prince, or of the other princely matrons, the most illustrious of Asia? Did it consist in the destruction of the country of Benares, one of the loveliest spots in the universe; where, according to the testimony of the officer who commanded in chief, and who was ready to declare it at the bar of the House, he could not find an uncultivated spot large enough for a single battalion to encamp on, so great was the cultivation and fertility of the country; a country which now lay one entire waste? Did

his goodness consist in the extermination of the Rohillas, whose country he had left a wilderness, without inhabitants or cultivation, after having been such a continued garden, that the commanding officer used to march his men in single files, for want of sufficient path or uncultivated land broad enough to march a greater number in front?

As to the judicature, he maintained that it was a complete innovation on the constitution of the House of Commons; for though in its sovereign and legislative capacity, in conjunction with the other two branches, it had frequently passed bills of pains and penalties, still these were acts of sovereign power, and not dispensations of judgment or expoundings of law. He made no doubt but what had been said in former debates was true, that the persons who were the causes of the erection of such a tribunal, would rejoice in its establishment; every criminal would rejoice at an institution, from the sword of whose justice he himself was to be secured. The daring highway robber in Newgate would have no objection to the erection of a judicature which was not to inquire into his past offences; the insinuating pick-pocket would rejoice in the same circumstance; and the plundering house-breaker would hug himself on the prospect of escaping under such a tribunal. Here Mr. Burke broke out into the following apostrophe: "Forgive me, O Newgate, if I have thus dishonoured thy inhabitants by an odious comparison: thy highwayman, who may have robbed one person on the highway, ought not to be compared with him who has plundered millions, and made them feel all the calamities of famine. The murderer, who may have deprived an individual of his life, would be disgraced by a comparison with him who has exterminated the inhabitants of whole kingdoms. The house-breaker is a harmless creature, when compared to him who has destroyed the habitations of millions, and left whole provinces without a house!"

He concluded by saying, that he had no personal cause of dislike to Mr. Hastings; he felt no prejudice against him: on the contrary, when he sat in the select committee,

he felt a strong prepossession in his favour, from the lofty panegyrics he had heard of him; so much so, that the friends of Sir Elijah Impey had upbraided him with being greatly partial to the governor-general. If that partiality was now no more, it was because it had been rooted out by the discoveries he had made in the Company's records, while he sat in the select committee. All he wanted was, that the House would give him an opportunity to defend the Reports, and to make good all the charges they had brought against the governor-general. Since he saw he was not likely to obtain that, he would not say any thing more against the bill, but simply enter his protest against it in the name of the injured natives of India, whose grievances were to be inquired into and redressed by those who had occasioned them.

The question was then put upon the motion for the order of the day, which was carried; and Mr. Burke's was of course rejected. The order for the third reading of the bill was then read: after which it was read a third time, and passed.

July 7.

Mr. BURKE rose and desired the resolutions the House had come to in the year 1782, for the recal of Sir Elijah Impey and Mr. Hastings, might be read. This having been complied with, he said, that the right honourable the chancellor of the exchequer had just received much eulogium for having abandoned a purpose* which he had originally proposed, and he abandoned it professedly because he found his purpose to be impracticable: in like manner, he rose to state to the House, that he should abandon any farther pursuit of measures against Sir Elijah Impey, and that for the same reason as that assigned by the right honourable gentleman, namely, because he found it

* A tax on coals.

would be impracticable for him to pursue any. But he did not intend to propose a substitution for what he abandoned; and therefore, as he was not about to follow the right honourable gentleman's example in all its parts, he presumed he should not share in all the glory that had attended it. Having said this, he reminded the House, that the resolutions he had just had read, originated in the proceedings of the secret and select committees; that one of them had been moved by Sir Adam Ferguson, and the other by General Smith, neither of whom, greatly to the loss of the public, were now in parliament; but as it was well known that he had taken an active part, as a member of the select committee, it might be thought that he would pursue what they had begun, and therefore he rose to signify that he abandoned all thoughts of so doing, from a conviction that it would be impracticable. He had read, he said, in a report of what had passed in that House, on a day when he was not present, that the chancellor of the exchequer, when he announced the arrival of Sir Elijah Impey in England, lamented the absence of some person concerned in proposing the resolution for his recal. As he might as well be that person as any other, he wished to know whether the right honourable gentleman had announced Sir Elijah's arrival as a minister, or by way of feasting the House with a piece of news. If he had done it with the latter view, he must tell the right honourable gentleman it was no news to him, for he had heard it before; but if he had given the information as a minister, that gave the business a very different complexion.

Mr. Burke then proceeded to argue, that it was rather the duty of the minister, as the minister and representative of the rest of the king's servants, to enforce the resolutions of that House respecting Sir Elijah, than that of any individual member of parliament. He said the committee and the House had laid the grounds of the proceeding, and it became the minister so far to fall in with the sense of the House, as to take up their resolution and act upon it. The resolution stated a charge, and that charge called for trial.

Perhaps impeachment before the House of Lords was the proper process; if so, with what hopes of success could he, an individual, venture to go on, when the person likely in that case to be the judge, a man high in abilities, high in situation, high in every respect, had expressly declared, that "with respect to the reports of the select committee of the House of Commons, he regarded them no more than the history of Robinson Crusoe?" Thus had that noble and learned lord, who was to be the judge, prejudged the cause, and declared his mind to be poisoned upon the subject.

Here Lord Mahon called Mr. Burke to order. His lordship said, he held it to be disorderly for any member to repeat the exact words that had been spoken in another House of parliament. If the honourable gentleman persisted in such a practice, he would have recourse to a similar practice.

Mr. BURKE said, with a smile, the noble lord was perfectly welcome, *petimus damusque vicissim*. In order to accommodate himself to the order of the House, however, he stated what had been said by Lord Thurlow in a speech before Christmas in the House of Lords, upon the first reading of Mr. Fox's East India bill, as words spoken in a coffee-house, and thus proceeded to comment upon those parts of that speech in which the learned lord had defended and extolled Mr. Hastings, at the same time that he had reprobated the conduct of those who had printed the reports of committees of the House of Commons, and sold them as pamphlets, in order to run down the governor-general's character. Mr. Burke said, by comparing the reports of the select committee to the history of Robinson Crusoe, he presumed the learned person meant to describe the reports to be fables. He could hardly mean more; nor did he suppose, though Robinson Crusoe was held in disrespect in another assembly, that every *Robinson* was equally disesteemed there. [A laugh.] After some pleasantries, Mr. Burke urged Mr. Pitt to take up the business,

and expressly declared that he had no personal enmity to Sir Elijah Impey; to his knowledge he had never seen him; he wished him well; it was his public conduct solely that he regarded: it had fallen to his lot to say a good deal, both relative to Sir Elijah and Mr. Hastings, but it had been to their actions only that he had spoken: he had nothing to say to the virtues or vices of any man; it was enough for him that their actions called for animadversion. He concluded with repeating his position, that as Sir Elijah stood charged in the resolution of that House with having been guilty of a breach of duty in office, it was the peculiar duty of the minister to conduct the prosecution against him.

Mr. Pitt said, he thought it his duty to declare to the House, that Sir Elijah Impey, who had been recalled from India by his majesty, in consequence of an address of that House, was arrived; but he begged leave to decline the honour of being substituted as Sir Elijah's prosecutor; the business was in better hands. Here the conversation dropped.

July 30.

Mr. BURKE rose, and begged leave to call the attention of the House. He said he was aware how different it was to act from facts sufficiently substantiated, and from reports which might be either true or false. The matters he was now about to lay before the House, were of pressing importance, and he doubted not would be found, upon trial, to depend on the best authority. The business he undertook would lead him to mention some articles of information, which, in his opinion, demanded the most minute and immediate investigation. He knew not how far his services as an informer might be liked; it was a character for which he professed no great predilection; and if he might judge of the present from the past, it was not likely that the part he was to act was either an acceptable or a popular one: there was at least this presumption

against it, that it would really prove offensive, in proportion as it was found to be true. For the mode of judging with a certain class of men had of late been, not upon, but against evidence; not because convinced of its reality, but because it was convenient to see no reality in any thing which had the most distant semblance of reality from that quarter. Here was the great stumbling-block which had undone India, and which would ultimately undo England. A very large body of individuals were united and determined to protect the Company's servants from every sort of inquisition. This was the only way by which the guilty could be screened from justice—by which those who deserved, could escape punishment. A confederacy was formed, for the sole purpose of extolling the Indian government as a good one, and the governor as unimpeachable. The whole drift of this crooked policy was to keep the poor natives wholly out of sight. We might hear enough about what great and illustrious exploits were daily performing on that conspicuous theatre by Britons; but unless some dreadful catastrophe was to take place, unless some hero or heroine was to fall, unless the tragedy was to be a very deep and bloody one, we were never to hear of any native being an actor! No: the field was altogether engrossed by Englishmen; and those who were chiefly interested in the matter actually excluded. The extraordinary circumstance, to which the world owed so many unexampled transactions, was no other than a belief, industriously propagated in India, that all the measures of the Company's servants were approved and confirmed by authority *from home*. This had been long held up to that unfortunate race of men as the radical principle of the Indian government: so that whether their English masters dealt in speculation, in oppression, in tyranny, or in murder, it was not to gratify their own unbounded avarice or ambition—it was not to render themselves independent of those who employed them—to amass enormous fortunes, and to return to this country, and, in the face of all law and justice, blazon the infamous trophies of extortion and

[July 30.]

... of their motives: they
... arnly relied on support from
... extracts from some of Mr. Hast-
... actors, in which an acknowledgment
... by that gentleman, of his having thus
... such an expedient, even at a time when
... opinion, that all the power and autho-
... company were exerted in managing and con-
... proceedings. While, therefore, he was ravaging
... depopulating kingdoms, reducing the garden of
... to a desert, plundering opulent towns, and
... to atrocious cruelty and destruction the in-
... and industrious inhabitants of whole empires, he
... entire obloquy of his conduct to the authority un-
... which he pretended to act. From this originated all
... foul enormities which had deluged the Indies in
... and flung the British empire in that quarter into
... complete scene of animosity and distraction. Whatever
... projects ambition proposed, avarice grasped, or cruelty
... perpetrated, this apology was ready to cover, to extenuate,
... to authorise, to urge, or to sanction the whole! It was
... always support and protection *from home*, which gave op-
... ration and effect to rapacity, to peculation, and to blood-
... shed abroad! In this manner the English government
... was traduced, and the very name of Britons rendered in-
... famous and execrable.

There was a time, to be sure, when much was done in
the House of Commons to counteract the malignant in-
fluence of such an impolitic and merciless principle. He
had frequently heard a learned gentleman* pour out a
dreadful torrent of eloquence and invective, for the pur-
pose of declaring to the whole world, that the servants of
the Company were no longer the objects of support *at*
home; that this country was not a sharer in their guilt;
and that justice would undoubtedly overtake delinquents,

* Mr. Dundas.

whose conduct had brought the foulest reproach on the British character. With what a catalogue of the blackest crimes had he not charged them, in the face of that House and of the public; and by a detail of evidence, which swelled the Journals of parliament and blackened the annals of the nation, which interested the curiosity and roused the indignation of all Europe, and which would descend to posterity unbroken, unequivocal, and unimpeached, demonstrated, to the complete satisfaction of all who understood the subject, that the English government in India had become almost as infamous *at home* as abroad — had lost all credit, even with its sovereigns in Leadenhall-street — had not only refused compliance with the repeated orders of the Company, but uniformly contradicted them: and that therefore an immediate and universal reform was become indispensable! The recal of Governor-general Hastings was the consequence of these bold and spirited exertions. This seemed the only expedient which the wisdom of parliament thought adequate to the evil: and the measure undoubtedly possessed the confidence of the public at large. Things were now brought to a crisis: whoever doubted but an order from the court of directors, or an order from the House of Commons, might singly, but especially when connected, have been able to bring from India a servant of the Company? No such thing. The experiment was made, and made with every prospect of success, on the side of this country. But who can estimate the influence of corruption, when supported by all the treasures of India? This powerful and opulent country was evidently worsted in the struggle, and the sequel of the contest has proved, that the support *from home*, however secret and mysterious in its operation, was nevertheless real, and always at hand to answer the basest purposes, like prompt payment.

The great question, therefore, under such a series of misconduct, still was, How were the natives affected — what were their hardships — in what manner were they to be relieved — from whom were they ultimately to expect as-

sistance? Was there no door of mercy left open for so many millions of our fellow-creatures, who had long groaned under every species of the grossest oppression? Or were the whole British possessions in India formally proscribed by act of parliament, or consigned to the scourge of the men, whose outrages had already rendered the finest and most fertile provinces on earth one barren inhospitable solitude? He now appeared in behalf of those Indians, whom our barbarous policy had ruined and made desperate. Their grievances were unparalleled in history, and seemed to increase in proportion as they became unable to bear them. The English establishment among them appeared to have no other object than to accumulate their oppression and distress. Was such a monstrous abuse of power, such a desolating calamity, so enormous a mischief, to continue its operations without end or limitation? Where were the innocent sufferers to appeal? Their tyrants were evidently invested with new powers. Those, at least, by which so much damage had been done, were approved, and received such a protection *from home*, as was enough to make every individual Indian tremble for his life, in proportion as his property rendered him an object of rapacity and destruction. And were men in such a predicament as this, to be under the necessity of demanding justice from the very authors of their wrongs? Had they any thing like the mere forms of equity to expect from such as had injured them? Would not their heaviest complaints be treated as chimerical, and their most urgent petitions be rejected as groundless and absurd?

The people of Quebec had just brought forward a petition; their requisition would be heard; public justice demanded it in their name; and they wanted not friends in this country, who would faithfully represent, enforce, and facilitate their claims. They, happy people! were not oppressed by a governor-general, over whom the British legislature had no power, whose friends, both in Britain and India, triumphed in the plenitude of authority, and whose inhuman and exe-

crable measures proceeded on full security of protection *from home*. No: they were connected with many who were determined to see them righted, who generously made their cause their own — who were even interested in taking their parts. But the natives of India were universally abandoned to their fate: they had not only to struggle against the most dreadful odds, but were absolutely without friends or resource. Their riches were gone to make the fortunes of those, who now turned a deaf ear to all their complaints. Where was the friend of the minister, or the favourite of the British court, or the member of parliament, whose influence promised success, who would stand up an advocate for the unfortunate Almass Ali Cawn? Alas! the situation and property of this man, like a great many of his countrymen, destroyed him, attracted the attention, stimulated the avarice, and brought down the vengeance of the British on his head. The crime of having money was imputed to this unfortunate prince, which — like the sin against the Holy Ghost in Christian theology — in Indian politics can never be forgiven. It seemed impossible, in this instance, to plunder without murder. The bloody edict is therefore issued. Mark how soon the fatal science in that country is brought to perfection! No matter what is done, provided the manner of doing it be properly managed. Yet, he had heard of a letter, and of a murder, or something very like it, recited in that letter; an extract of which had come to his hand. From this extract he learned that orders had been sent to arrest Almass Ali Cawn: but this gentleman-like business must be done in the most gentleman-like manner. The chief must be taken, and he must also be ‘put to death;’ but all this must be so contrived as to imply no ‘treachery.’ Here was honour of a very singular and nice description — plunder, peculation, and even assassination, without treachery! Such was the extreme refinement which distinguished the cruelties of the East! All possible delicacy was even to be shewn in the exercise of a ferocity; the foulest and the most atrocious that ever blackened the prostitution of usurped authority. The reason of such ex-

traordinary proceedings was not less extraordinary. The precaution is no compliment to the sensibility, but to the cunning and pusillanimity of the mind with whom the bloody mandate originated. There were persons to whom such a circumstance might procure a handle of reproach or invective. On this account, let Almass Ali Cawn be deprived of his life with as little indecency as possible. The proscription is absolute — he must die ; but let his death be perpetrated honestly.

This, however, was only one instance of many when the same wild and outrageous policy prevailed, and threatened an utter extermination of all our settlements in that part of the world. Every district almost in India daily exhibited marks or specimens of the same inhumanity and disclosed scenes of misery and degradation, by means of our mismanagement, of which few Europeans could have any conception. And what had been done to check the ravages and ambition of the Company's servants? Had government interfered to prevent or put an end to these extravagancies? Was there any probability of things assuming another or a milder aspect? Had the system framed and matured by the wisdom of the new parliament at home or any late measures carried into execution by the supreme council abroad, given hopes of better things? He wished to God these and a thousand such questions could be answered in the affirmative. He appealed to the treasury bench, who had all undoubtedly made themselves master of the facts in debate. He would appeal to a bench higher than the treasury-bench ; he meant the Indian bench behind it, where the agents of the Company and of the Company's servants sat, the honorary supporters of their own administration. He asked what the House and the whole world were left to conclude from that impunity with which the most enormous transactions of those who had the good fortune to perpetrate them in India were treated? Could the House without horror and indignation recollect the barbarous usage which two unfortunate princesses had experienced? The tale which the history of these ladies, the

mother and grandmother of the vizier of Oude, disclosed to Europe and to posterity, was enough to make children yet unborn blush for the rapacity and brutality of their fathers, as well as flush the cheeks of Britons for the flagitious conduct of their countrymen. Were not the nearest relations of these illustrious women tempted to betray and ruin them? Were they not stripped of their all, and reduced from the first situations which the country afforded, to a state of penury and beggary? Were not these dreadful sufferings inflicted because the women, who had on a former occasion smarted under that spirit of outrage and rapacity which had stamped in blood the atrocious footsteps of the Indian government, apprehending a repetition of the same depredations, assumed the courage which became their danger, and defended themselves to the utmost of their power? This happened during our residuary commission for the government of that country. They were bereaved even of their jewels: their toilets, those altars of beauty, were sacrilegiously invaded, and the very ornaments of the sex foully purloined! No place, no presence, not even that of majesty, was proof against the severe inquisition of the mercenary and the merciless.

But where was all this immense booty? Was it placed to account? No. Had it been occupied for investing any of the Company's ships? No. Where, then, was it? Ought not some memorandum of it to exist? The fact was incontrovertible; but the certain effect which it was meant to produce, and which it did produce, seemed obliterated and vanished for ever. Need he tell the House that Mahomed Caun had written a letter on the ruin of his country, conceiving it his duty not to remain silent while a scene of such distress presented itself to his view wherever he turned his eye. This province was not able to produce a twelfth of what it had done but a short time before. Here nature had lately bloomed in luxuriance and bounty; the inhabitants had been rich, contented, and contributed their share to every burthen proposed with cheerfulness and satisfaction. Now, an armed force could not extort from

them one-twelfth part of what they had then granted voluntarily. Could any man be at a loss to conjecture the reason of so rapid a declension, since it appeared in this instance that the revenues decreased in proportion to the violence and force employed in collecting them?

He wished from his heart any one would contradict the facts stated with regard to this wretched country. Reasons of state undoubtedly might be given in great abundance, and an apology made for every outrage which the strong could exercise over the weak; but facts were superior to sophistry, and would always speak for themselves. Was not this country, prior to the dirty and miserable interferences of English politics, so plentiful, so well cultivated, and so rich, as to deserve the name of the Eden of the East? There was nothing like its fertility and luxuriance in those barren situations where we existed. It exhibited to Europeans a new spectacle of nature putting forth all her strength. But where now was this beautiful paradise? It was no where to be found. This delightful spot, the joint effort of nature and art, the united work of God and man, was no more. The country was extirpated. Haman Dowlah, the well-known appellation of Mr. Hastings in India, had reduced the whole to a waste howling desert, where no human creature could exist. He challenged the abettors of such desolation to stand up and give him the lie. And how, or by what arguments, could a government be defended, under which such a series of irreparable, unexampled, and incontrovertible miseries existed? He desired the Indian and treasury-benches to look at Bengal, and to think with horror, that while we were forging new chains for the wretched natives of that place, Heaven was rescuing them from our machinations by a famine which raged at this very moment in the environs of Calcutta. He called upon Major Scott, Mr. Atkinson, and several of the Company's friends who sat behind the treasury-bench, to contradict any of his statements. It was from a country thus pillaged, depopulated, and deserted, hopes were entertained of retrieving the Company's affairs. And those

men, whose dreadful delinquencies were notorious and unpardonable, were notwithstanding empowered by the British government to act with more extensive authority than ever in that very capacity which they had already rendered the scourge of India and the opprobrium of England. These were the men who had promised a revenue equivalent to all the necessities of the Company, and the arrears due from it, to this country. Was the House aware of the magnitude of the sum to be raised, and of the situation of that country which was to produce it? In what state could they suppose that empire in which a famine reached, in its dreadful progress, the very gates of the capital? There was, he knew, a committee watching the causes and effects of this dismal calamity, called the Committee of Famine: but this was no matter of surprise to him. The policy which had for some time prevailed in Bengal, was adequate to the greatest evils which could befall its miserable inhabitants. That country was not more populous than this. There were, according to the best calculation that could be obtained, nearly the same number of inhabitants in both. Here, however, the duty on salt exceeded very little the sum of 250,000*l.*; but there it produced just twice that sum. The same sort of standard was in general applicable to every article of revenue. Whatever taxes we paid, it seemed to be the system of our Indian governors to impose the double of that burthen on their subjects. Their land-tax, where ours was only four, was not less than eight shillings in the pound. And what but a passion of the most flagitious rapacity could be the cause of such an enormous exaction? It was not, he found at last, altogether possible for either the Company or the legislature to overlook such a system of delinquency. Some remains of decency compelled them to make occasional remonstrances on the subjects where their servants had incurred most blame. The orders which they issued were therefore replete with the best advice. Never did he see more sound morality than in these. In theory their sentiments were divine; but in their conduct how literally and awfully had the medal

been reversed. He had read somewhere, that "great were the company of preachers." He was sorry their labours had not been more successful, as most of the miseries they had brought on a harmless people, originated in their preaching when they ought to have commanded. Looking at Mr. Dundas, he exclaimed, that "Saul too was among the prophets;" but he had proved one of those whose doctrines had "a savour of death unto death, and not of life unto life."

What, then, was to be the end of all this? It was now too plain the British legislature would not interfere for the salvation or relief of people who had never injured them, though injured by them in the foulest manner. They would, however, find redress where neither the Company nor this country could prevent an attention to their wrongs; crimes which involved the sufferings, the ruin, not of individuals only, but of nations and empires, could not ultimately escape the righteous judgment of God. The guilt and devastations we had carried into a country with which we had no concern, would be regarded as an insult on His conduct, who had the hearts of kings, of ministers, and of societies in his hand. In all these transactions he saw an over-ruling Providence making such arrangements as should render it utterly impracticable for the criminal, however barricaded with power, however loaded with wealth, however extolled by flattery, finally to escape. A cry for vengeance had gone forth and reached His ears, who never could be inattentive to the distresses of his creatures; and we could expect as little mercy from Him as we had shewn to them. We were still more in His power than the poor Indians were in ours. Should He but withdraw his finger, we should become as little among the nations as ever we were great. Did we not already exhibit marks of this awful dereliction? Yes. The country was devoted to destruction: that House, the venerable palladium of its liberties, was annihilated: the constitution had received a shock, which it would never recover: the empire was mutilated, and its very credit tottered to the foundation. These

were symptoms of a dissolution at hand. The decree was fixed : and as certainly as we had regarded the sufferings and grievances of the Indians without mercy, our punishment would come without mitigation. What are these men, said he, pointing to the treasury-bench ? Are they not the ministers of vengeance to a guilty, a degenerated, an unthinking nation ? Yes. They are literally the executioners of that awful and irreversible verdict which is registered in Heaven against us, and commissioned by the Great Sovereign of the world, who hath destined them his scourge, in loading with such a series of oppressive taxes as have no example, a people whose unprincipled ambition has rendered them infamous in both extremities of the globe. He concluded this part of his speech with moving, " That there be laid before this House copies of all letters, instructions, or minutes, relative to the seizure of the person of a native of India, resident in the country of Oude, called *Almass Ali Cawn*, and for putting the said native to death."

Major Scott seconded the motion, and hoped the instructions given by Mr. Hastings to Mr. Bristow, the paper to which the honourable gentleman had alluded, would be produced, and then the House would see how completely the honourable gentleman had been misinformed, when he said that Mr. Hastings had authorized or recommended the murder of any man. Those instructions were given in Mr. Hastings's name, with the knowledge and concurrence of the supreme council. He said he had great pleasure in easing the apprehensions of the honourable gentleman, as to the famine which he had stated to have prevailed in Oude and Bengal. There had been a very grievous famine in the districts of Agra and Lahore, and about Dehli ; but in those countries we had no concern or influence. Great alarm did prevail both in Oude and Bengal ; but very providentially a great quantity of rain fell in Oude, in January, which had saved the wheat harvest, on which the inhabitants generally subsisted. In Bengal every fear of a famine was at an end. He begged to say a word or two of the reports of the select committee. He assured the honourable gentleman, that he had complained to General Smith in 1782, that his evidence had been garbled. There was nothing he so earnestly wished

as a consideration of these reports by parliament: but had they not both appealed to the public, and had not the public determined against the honourable gentleman? He knew the respect that was due to reports of that House, and God forbid that he should presume to speak of them improperly: but the pamphlets which were published by Mr. Debrett, under the title of the 9th and 11th Reports, he had called false and scandalous libels, and he had proved them to be so. As to what the honourable gentleman had said of Oude, he had the satisfaction to inform him, that the residency was completely withdrawn, and that the vizier had given the security of Lala Bucherage and other bankers, for the complete payment of the Company's balances at stated periods. He had also the pleasure to inform the honourable gentleman, that the mother and grandmother of the vizier were on the most intimate terms with him, that their jaghires were restored to them, and that there was not the smallest idea of plundering them.

Mr. BURKE declared the honourable gentleman had confirmed every word he had said. The famine which he had mentioned, was established beyond a controversy, by the best authority which could be obtained, and the fact could not be allowed without admitting the existence of those causes which unavoidably produced it. The honourable gentleman had also, in effect, confessed the government to have been so bad, that they were obliged to return it into the hands of its original owners, as not being able to make any thing of it themselves: but the wretched people, from whose territories they had withdrawn their resident, they took care to make the prey of usury. What else was meant by the security of bankers to guarantee the Company's acquisitions? He desired to be corrected if he mis-stated any particulars; but he acted on information which he knew to be sound, and every fact he advanced would thus reach the public ear under the sanction of the honourable gentleman's testimony. He was by no means conscious that the honourable gentleman's evidence was garbled or stated in any degree incorrectly: but if he thought it was, his redress was open. Why did he not complain to the

House? He had a right to have made such an appeal. The House would have taken up his cause, and the matter would have undergone a fresh investigation. Every one knew, that in framing reports of committees, it was not customary to state the entire evidence of every witness, but that part only which was most applicable to the point for which it was adduced; and whenever any doubt arose about the fairness of selection, the practice had always been to refer to the minutes. The honourable gentleman might therefore, if he chose, move for the minutes then: by them he was ready to abide. But he foresaw all those general and vague charges were only meant to blunt the force of his statements, and to hold up a specious but unmeaning language to the public. He received with readiness and satisfaction the challenge which had been given on the subject of the reports. It was easier to say they were false, than to prove it. He suspected the attempt would go no farther. It was not necessary. It might be impolitic. The multitude were not always in a capacity to distinguish between assertion and argument. He owned the reports were libels, and libels of the bitterest sort, as they contained nothing but truths that were equally melancholy and alarming to the credit of this country. He had been urged to appeal to the public; this appeal he was not much inclined to make: the public were perhaps more disposed to listen to the honourable gentleman than to him, and he was averse to be tried by a tribunal which could give no judgment; but he demanded the judgment of the House, and the House only could come to a decision on the point. It was the cause of the House: the House were much more interested in the issue than he was, or any individual could be; and he was perfectly indifferent to the opinion of coffee-houses and newspapers.

The papers were ordered, as were also "copies of all letters relative to any demand of money, or orders to take the same from the mother and grandmother of the soubah of Oude, since the 1st of January 1782." Mr. Burke then moved for "an

account of the produce of the sale of the jewels and other effects of the mother and grandmother of the soubah of Oude, together with the account sales." Mr. Pitt said, if the honourable gentleman went on in that manner, making motions for which there were no parliamentary grounds, there would be no end to it. How did that House, as a House of parliament, know the fact, that any jewels or any valuables were taken from the mother and grandmother of the vizier of Oude? And if the motion passed, what was the proper office to expect such an account from? To relieve the House from the difficulties into which the motion would throw it, he said, he would move the order of the day.

Mr. BURKE was astonished at the conduct of the minister; it was absurd, though not unaccountable. The right honourable gentleman had not given him time to state his grounds, for grounds he had, and would state. He did hope a time of reckoning would yet come, when he should be heard, and heard with a decency which the subject deserved. But the House of Commons was lost; its dignity, its energy, its utility, was no more. Did they imagine, because every thing went as they wished at present, the world was blind, or that posterity would be blind to the evils they thus entailed on their country? The insensibility of government to the foul enormities lately perpetrated and now perpetrating by our countrymen in the East, was shocking. He deprecated the day the knowledge of them had ever come to his mind. The miserable objects it exhibited — countries extirpated — provinces depopulated — cities and nations all overwhelmed in one mass of destruction — constantly preyed upon his peace, and by night and day dwelt on his imagination. To relieve that devoted country from some of the many enormities under which it had groaned so many years, he had toiled many an hour, when others were amusing themselves in a way which was likely to serve them more substantially than his labours, however assiduous and unremitted, ever had served him, or ever would. But the cries of the native Indians were never out of his ears; their distresses roused his whole soul, and had kept him

busy when those who now sneered at his earnestness and sensibility were much more agreeably engaged. The facts related in papers, which, under the direction of parliament, he was obliged to read, had left on his mind such an impression of horror, as had frequently deprived him of sleep; he was consequently desirous of seeing a conclusion to such barbarities and such details, as the most savage or the hardest heart could scarcely read without shuddering. To put a stop to speculation, to tyranny, and to robberies and assassinations, of the most daring and shameless description, he had exerted all his faculties; he was fully committed; his character was before the public: he risked all the little popularity which his labours had procured from a grateful public. It was in hopes of breaking the spirit, or checking the operations of that inhuman system, that he had so frequently and so patiently submitted to the scorn and derision of the House and of the world.

Observing Mr. Macnamara, Mr. Rolle, Mr. Grenville, and others, laughing at his serious apprehensions, he said, the subject was a fit subject for levity. Millions of innocent individuals had been made the victims of our indiscretion, and what reason had he to complain at being made the butt of juvenile statesmen; who, like a young emperor, of as much sense, and perhaps more sensibility than they, though in one unguarded moment he fiddled at the fire which he had kindled in the metropolis of the universe, could affect to be merry at recitals which ought to make them pale. He, for his own part, thought the dreadful procedure of Providence was so strongly and obviously marked, as to have escaped no man but those who wished not to observe it. He believed from his heart the vengeance of Heaven to be raised against this country. By authorising the massacres which had been so foully perpetrated and repeated in India, Britain was now become a land of blood. Much innocent blood had been shed, and he feared was still shedding. But an avenger would certainly appear and plead the cause of the wronged with those who had wronged them. Yes, the arm of God was

abroad. His righteous visitation was already begun, and who could tell where it might end? He knew with accuracy how to discriminate the good from the bad, those who had, from those who had not, imbrued their hands in the blood of their fellow-creatures. The instruments of His wrath were infinite, and would be exercised without ceasing, till the redress of the wretched, and the punishment of the oppressors were completed. This great work Providence was visibly carrying on against a country, who, by its crooked policy, had ripened itself for destruction. What were the infatuation which seized us so generally, the debt which hung about our neck, with a weight which precipitated our downfall, our want of union, our want of principle, and our want of consequence, but certain indications of a malediction which the dreadful wretchedness we had entailed on a people much better than ourselves, had brought at last on our own heads? After enforcing these beautiful and affecting sentiments, by a variety of pertinent and splendid passages from some of the Latin classics, nothing, he said, could be more striking and apposite than the following lines of our own poet:

“ O wretched guardians of a charge too good !
Ye mean deserters of your brother's blood !
Know, if eternal justice rules the ball,
Thus shall your wives and thus your children fall ;
On all the line a sudden vengeance waits,
And frequent hearses shall besiege your gates ;
There passengers shall stand, and pointing say,
While the long funerals blacken all the way,
Lo ! these were they, whose souls the furies steel'd,
And curs'd with hearts unknowing how to yield ;
Thus unlamented pass the proud away,
The gaze of fools and pageants of a day.
So perish all, whose breast ne'er learnt to glow,
For other's good, or melt at others woe !”

The honourable gentleman had answered these allegations—but how? His answers were before the public, and the public would judge. The reports of the com-

mittee had all their vouchers. The validity of these challenged the attention of the House and of the public at large under the sanction of parliament. Their reality had been impeached indeed, but impeached in a way which evidently shewed the impeachment was only made to serve a purpose, but never meant to provoke a trial. This was the great object of his wishes. Oh ! he exclaimed, what would he not risk to find all the scenes of horror, to which no description was equal, but which were recited in those reports, nothing but a fiction ! He wished it for the honour of humanity ; for sympathy to millions of hopeless individuals ; and especially from an anxiety which he had long felt, to retrieve this House, this country, this generation, and even this Company, from infamy and execration. Why would not those men who had avowed so unequivocally their conviction of the falsehood of the charges, come forward, and authenticate their allegations ? He would meet them with alacrity on the spot, and in the moment he was prepared to put the truth of every statement contained in the seventeen volumes of Reports to the test. Where was the man who would take him at his word ? He disclaimed all obstinacy of opinion. No member in the House would be more happy at the issue, should he fail in supporting his allegations, than he would be. It would, in fact, be to him a discovery more precious and grateful than the discovery of a new world. Why did not they who possessed the secret, in compassion to mankind reveal it ? To this precise, but desirable object, all his endeavours went. Did they not, therefore, deserve to be seconded ?

Much had been said in the House, which tended to propagate an opinion that nothing was wrong in our Indian government. He was eager to find such an opinion well established. Nothing was more likely to decide so material a question as a revival of what had been reported, after three years laborious diligence, by committees appointed for the sole purpose of arranging all the materials which had been produced on the subject. But whenever he urged the point, a thousand apologies were made, and his

motions over-ruled. The order of the day was the only answer he could obtain to the most obvious and pertinent question he could put. Indeed, the order of the day had its effect within those walls; but would the order of the day satisfy the world? Would the order of the day wipe away the disgrace which branded the character of the nation? Would the order of the day rescue the minister from reproach for thus assiduously avoiding all inquiry into the grievances of India? To these ends the order of the day was not adequate; but the order of the day, while the Company had so many of their friends in the House, always be able to suppress disagreeable truths, to screen notorious delinquency, and, by a shocking medley of sophistry, impudence, and vague declamation, impose on the people of England, and keep them in the dark. He could excuse the honourable major for the part he took in the contest. He avowed an agency which required fidelity, and he had always given him credit for his indefatigable exertions and honour in thus faithfully and openly adhering to the interest of his principal. But surely the same obligation did not extend to the House in general. How was he to account for the insensibility of the young minister, who, at a time of life when compassion was in its prime, regarded the sufferers of India with so much indifference? He, more than any other, could afford them redress. The majorities which had, during the present session, so ably supported his measures, were competent to the object. The other House was wholly his own. He could not doubt but his heart would go with him. The right honourable gentleman had none of those connexions to struggle with which bound the honourable major: he had surely undertaken no agency, which it would be dishonourable in any degree to relinquish. He did not represent, as personal, any great man, whom it might be dangerous to abandon or offend. The honourable gentleman who filled this respectable situation, had executed his trust completely; and more ample powers had never been given to any man; for it seemed his commission enabled him to do every thing except one, and that single exception was, that he should not resign his go-

vernment of Bengal. It astonished him to recollect the process, or, rather, the farce, which this man had exhibited to his countrymen for many years. The moment he is ordered to return, his friends all pledge themselves for his obedience. But still it has happened, and probably always will happen, at least till his object is perfectly obtained, that something invariably interferes, which renders his compliance with the command of his masters, and even the authority of this House, impracticable. Beyond this limitation, it was now obvious, the powers he delegated did not extend; and it was duly, after what had passed, not to see that the whole was the effect of system. It discovered to the world to what lengths this very extraordinary agency went. It accounted for the honourable gentleman's conduct; but who would say that it had any influence on the minister? No: he was left to the freedom of his own will. His virtues, the consolation and hope of his countrymen, were not unknown. His friends hailed him as the saviour, protector, and champion of the constitution. What was there inconsistent with the qualities so frequently ascribed to him, as a man and a statesman, in redressing the grievances of many millions of people, who had no other prospect of relief? Humanity and the constitution were both on the side of the sufferers, and would co-operate with every effort he might make to relieve them. Here stand the accuser and the accused — the latter by his agent, by his friends, and by his masters, the directors, had pleaded not guilty. If any confidence was due to repeated and solemn declarations, he was ready, by these means, to disprove the charge. The judge (Mr. Pitt) sat on the bench, and was urged by every consideration which could affect the human heart, to give verdict on the cause. The indictment had no other evidence than those reports, which had been so seriously and frequently reprobated as spurious, vindictive, and inconclusive: but even by these, such as they were, he was prepared to stand or fall. Every thing, therefore, was ready, and he would protest against any farther procrastination, in a business of

such importance. He had no objection to a re-examination of the reports by a committee appointed for that purpose; or to the institution of an inquiry into the conduct, which these reports had so explicitly criminated. The great God, whose beautiful works, the finest countries in India, were defaced, were mangled and laid waste, demanded a trial of Haman Ul Dowlah. Man, who had been reduced to beggary, with all its concomitant wretchedness, called loud for justice. Great Britain, whose character and honour had received an indelible stain, waited the issue with solicitude and suspense. It became the minister of a great and generous nation, instead of laughing at the miseries of his fellow-creatures, to regard these important calls with all his attention.

Good God! exclaimed Mr. Burke, what must the whole world think of a young man, who could hear of oppression, peculation, rapine, and even murder, not with insensibility only, but with levity — with laughter! Whatever sport it was to the treasury-bench, it was, he could assure them, no sport to the poor helpless men, who daily saw the effects of their industry, the means of their subsistence, extorted from them, and their families reduced to abjection and want. Why, then, did they not either bring such an enormous delinquent to justice, or legally disprove the delinquency with which he stood charged in the face of the public? He disclaimed every feeling of personal pique or aversion. Mr. Hastings had never injured or offended him. He possessed many qualities, of which he was as ready as any man to avow his admiration. He entered on the select committee with such a manifest partiality for this man, that the friends of Sir Elijah Impey often upbraided him for the prejudice which they thought he entertained in his favour. He had been, like many of his betters, dazzled with the constant panegyrics which attended the mention of his name. But the huge volumes of evidence which came under his inspection, effected a complete revolution in all his ideas of this celebrated character. The inquiries which he thought it his duty to make were laborious, and he

soon foresaw would certainly subject him to a world of obloquy and invidious remark. He persevered, however; — and what was the result? He found that plunder, murder, and desolation, had been systematically pursued; that the policy of India aimed only at rapacity; that no means, however foul and atrocious, which could facilitate this end, were omitted; and that the perpetrators of all these enormities, instead of being called to an account for their actions, were supported, protected, and cherished by those whose duty it was to prosecute and to punish them. He could not, therefore, but look upon Mr. Hastings as the scourge of India. It was his duty, and the duty of every man who thought and felt as he did, to deliver, if possible, any part of God's creation from such a scourge. His efforts he found were much too weak, though as strong as he could make them. This dreadful Colossus was not to be shaken by any individual. He lorded it over every thing that was great and powerful and good in India, and in England. What was the present House of Commons but an engine to sanction whatever this daring man should do? But though the poor Indians were still destined to remain a prey to the governor-general; though in defending their cause against a power, which even parliament dared not, could not pull down, he had exposed himself to such a torrent of reproach and obloquy, as afforded his enemies a momentary triumph; though every thing he had said was misconstrued to feed the deception of the moment, he had this satisfaction to sweeten the cup of disappointment, that he had fought the battle of humanity; and that, as a British subject, he had laboured, though in vain, to rescue from ignominy and abhorrence the British name.

The order of the day being called for, and the usual motion made, that the Speaker do leave the chair,

Mr. BURKE observed, that as this was a new motion, he had a title to express his sentiments on it. He was now in order to insist, that every thing he had said concerning the

outrages in India was true. He denied having exaggerated a single circumstance; and protested, that exaggeration, with regard to the facts in discussion, was impossible. But this was the only mode by which his argument was to be attacked. It was always thus his reasoning was invalidated by general insinuation and surmise, which, like a stone in the hand of a David, might demolish the greatest giant on earth. It was a weapon, which, as any one might wield with success, no man, no reasoning, could repel. He hoped, therefore, no honourable gentleman could expect he would fight them at such fearful odds. He had no general assertions to make; the subject on which he made his stand was incapable of insinuation. He stood committed—the reports stood committed—the governor-general stood committed. The contest was now reduced to a few simple facts, which the meanest understanding could comprehend as well as the most accomplished. And [laying his hand on a volume of the reports which lay on the table] I swear, said he, by this book, that the wrongs done to humanity in the eastern world, shall be avenged on those who have inflicted them. They will find, when the measure of their iniquity is full, that Providence was not asleep. The wrath of Heaven will sooner or later fall upon a nation, that suffers, with impunity, its rulers thus to oppress the weak and innocent. We had already lost one empire, perhaps, as a punishment for the cruelties authorized in another. And men might exert their ingenuity in qualifying facts as they pleased, but there was only one standard by which the Judge of all the earth would try them. It was not whether the interest of the East India Company made them necessary, but whether they coincided with the prior interests of humanity, of substantial justice, with those rights which were paramount to all others. He declared he had no manner of concern with the character of Mr. Hastings. The question was not, whether he was a good father, a good husband, or a good friend; but whether he made a good governor; and whether those under his government were happy or miserable. He said, as he had not on that day been permitted

to go on in a string of motions which he had proposed to submit to the House, he would now read them as part of his speech. Here Mr. Burke read a long string of motions, all tending to introduce inquiry respecting the peculations and outrages committed in India. These, he said, he would bring forward at another period, when he hoped they would not be precluded by an incessant clamour for the order of the day; and he particularly observed, that it was hard a minister should oppose an inquiry, when the honourable major, the friend of Mr. Hastings, seemed so very desirous that it should immediately take place.

The order of the day was read, which put a period to the debate.

MR. BURKE'S AMENDMENT TO THE ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

January 25. 1785.

THIS day his majesty opened the session with the following Speech to both Houses:

“ My lords and gentlemen; After the laborious attendance of the last session of parliament, it has given me peculiar pleasure that the situation of public affairs has admitted of so long a recess. Among the objects which now require consideration, I must particularly recommend to your earnest attention the adjustment of such points in the commercial intercourse between Great Britain and Ireland as are not yet finally arranged; the system which will unite both kingdoms the most closely on principles of reciprocal advantage, will, I am persuaded, best ensure the general prosperity of my dominions. I have the satisfaction to acquaint you, that notwithstanding any appearance of differences on the continent, I continue uniformly to

receive from all foreign powers the strongest assurances of their good dispositions towards this country.

" Gentlemen of the House of Commons; I have ordered the estimates for the ensuing year to be laid before you; I confide in your liberality and zeal to grant the necessary supplies, with a just regard, as well to the economy requisite in every department, as to the maintenance of the national credit, and the real exigencies of the public service.

" My lords and gentlemen; the success which has attended the measures taken in the last session towards the suppression of smuggling, and for the improvement of the revenue, will encourage you to apply yourselves with continued assiduity to those important objects. You will, I trust, also take into early consideration the matters suggested in the reports of the commissioners of public accounts, and such farther regulations as may appear to be necessary in the different offices of the kingdom. I have the fullest reliance on the continuance of your faithful and diligent exertions in every part of your public duty. You may at all times depend on my hearty concurrence in every measure which can tend to alleviate our national burthens, to secure the true principles of the constitution, and to promote the general welfare of my people."

An address, which, as usual, was an echo to the speech, was moved by Mr. Philips and seconded by Mr. Gerard Noel Edwards. In consequence of the total silence which the king's Speech observed, with regard to the affairs of the East Indies,

Mr. BURKE rose. He remarked, that though the present was one of the shortest Speeches ever heard, yet so far from its meeting with that unanimity which the minister had been in such a hurry to flatter himself with, it had provoked as many different opinions as the longest speech ever made had excited. He compared it with the speech from the throne in the administration of the Earl of Shelburne, and said, it seemed as if the same persons who produced that famous catalogue of professions and promises, had produced this, and that having had so large a litter in 1782, they were exhausted now, and able only to bring forth the little sneaking remnant on the table. He ridiculed the speech of 1782, and compared it to the

large pie which the hospitable Lord Surrey had presented to his constituents at Carlisle. The speech of 1782 was, he said, in like manner an enormous chicken, duck, hare, goose, pie, fit to be set upon the table as a matter to be admired as well as to be eaten; whereas the present Speech was one of those petty-patties that people all relished. It was so full of equivocation and double-meaning, that every man of every opinion might find some part or other of it that would meet his sentiments, or bear a construction similar to his sentiments, be they what they might. Thus, one of his noble friends had said, he approved it, because it bore a concealed reference to a parliamentary reform; another noble friend approved it, because it did not convey any such meaning; and before the debate was over, he had no doubt but numerous other reasons, of a nature equally opposite and various, would be assigned for assenting to it. With regard to the intended motion for a parliamentary reform, he understood it was to consist of an addition of sixteen. If any alteration were made, he should consider it as the death and burial of the constitution; and it was indifferent to him whether it was buried in linen or woollen, whether it had sixteen or sixty more pall-bearers. He adverted to the late proceedings against the Irish sheriffs, unjustifiable, he said, on principles of reason or of law. They were not by way of information or indictment, but by an attachment *ex officio*, wherein, without any application made, the king's bench assumed a power unknown to the constitution. I do not, continued he, mean to make any particular inferences from the affairs of Ireland, distinct as it is from this, an imperial kingdom itself; but must arraign the conduct of that minister, who can thus punish in one kingdom what all his authority is employed to recommend in another. Will any person say, that on the face of things it implies not a manifest contradiction, or that the *Tyrri bilingues* of antiquity are not renewed in our present hopeful administration?

With respect to the Speech, he would say he disliked it, and that for a very strong reason; and that was the

...omission of a subject of the greatest magnitude, in comparison with which, all consideration of a parliamentary reform, all consideration of Ireland, as he loved his native country, and highly as he valued its welfare, appeared to be trivial toys. What he alluded to was the total silence of the Speech with regard to the East Indies. Our dominions there were, he said, the greatest stake this country had to risk; and such was the present situation of affairs there, that they called loudly for the immediate notice of parliament. Why ministers had neglected to advise his majesty to recommend our affairs in the East Indies to their notice, he was at a loss to imagine. There was at this moment in India as great a phenomenon as ever the world had produced. A person, who stood not as a delinquent, but as a criminal, in the eye of that House, whose criminal charge was on the records of their Journals, and whose recalc had been ordered by that House; nevertheless, in defiance of their authority, that criminal was at this moment commanding our armies, and directing the expenditure of our revenues in Bengal. In order to convince the House of the terrible situation of our affairs in a particular part of Indostan, Mr. Burke read to the House the following extract from Mr. Hastings's letter to the court of directors, dated from Lucknow, the 30th of March, 1784: "On my way, I had the alarming perspective of a soil so completely exhausted of its natural moisture, by the failure of one entire season of the periodical rains, that, except the fields of grain which had been kept in vegetation by the uncommon labour of the husbandmen, and were still clothed with a luxuriant produce, or remained the stubble of the recent harvest, the plains exhibited an appearance of barrenness so dreary, that even the roots of its former herbage no longer existed, and the deep ravines and beds of rivers which I passed threw up clouds of dust from their channels." The country thus described, Mr. Burke said, was larger in extent than England. He expatiated upon the wretchedness of the inhabitants, and reprobated the plan proposed by Mr. Hastings, to with-

draw the influence of the British government from Oude for ever. He termed Mr. Hastings a Mussulman, and gave the House information, that all the upper part of Hindostan was in a state of open rebellion, that Mr. Hastings had actually contracted for a new war in India, and that in fact there would be two wars in that country very shortly. Though the affairs of the East were involved in a mysterious secrecy, though the proprietors looked at present more for diamonds than discoveries, yet that the country was in a state of distracted rebellion could not long be concealed. That the criminal against whom that House fulminated its censures, yet retained the reins of government, that he had had the insolence to level his designs against the man (Lord Macartney) who had been honoured by the approbation of that House, were facts well known. It remained for him to add, that profusion on the one hand, and speculation on the other, had left no money to purchase the investments of the Company; that even their treasury orders passed at a discount of 12 *per cent.*; that the expences of the establishment had been gradually raised to the enormous sum of 512,000*l. per annum*; and that, thus situated, Mr. Hastings had dared, without the knowledge of government, or the proprietors, actually to engage in a war, hazardous and desperate in the extreme, as if to fill the measure of calamity, and complete the ruin he had begun. He reprobated the idea of thinking to extract from the distresses of Hindostan any alleviation of our burthens, pledged himself in the most solemn manner to support his assertions with proofs the most irrefragable, and concluded by moving an amendment to the proposed Address, by inserting these words: "and convinced as we are by the most decisive and most melancholy experience, that all waste of the public treasure in the East Indies, immediately or mediately applicable to the Company's use, and all diversion of that treasure from public service to the private emolument of individuals, must not only bring an insupportable burthen on the natives of those countries (multi-

tudes of whom are our fellow-citizens, and ought to be the objects of our most tender concern) but has a tendency to bring home the same burthens on the inhabitants of Great Britain, we will, with a care worthy of the magnitude of the objects which such an abuse may effect, employ our most diligent researches to discover, and our best endeavours to bring to condign punishment, the authors of such misdemeanours, if they shall be found to exist."

Mr. Burke's Amendment, which was warmly supported by Mr. Fox, was negatived without a division. After which the Address was agreed to.

NABOB OF ARCOT'S DEBTS.

February 28.

THIS day Mr. Fox, in pursuance of the notice he had given, brought forth his motion relative to the Debts of the nabob of Arcot. The motion was seconded by Mr. Francis, and supported by Mr. Burke, in a speech, which, notwithstanding the unpromising nature of the subject, was supposed to be one of the most eloquent that was ever made in either House of parliament. It was afterwards published by Mr. Burke, with the following

ADVERTISEMENT.

"That the least informed reader of this speech may be enabled to enter fully into the spirit of the transaction on occasion of which it was delivered, it may be proper to acquaint him, that among the princes dependent on this nation in the southern part of India, the most considerable at present is commonly known by the title of the Nabob of Arcot.

"This prince owed the establishment of his government, against the claims of his elder brother, as well as those of other competitors, to the arms and influence of the British East India Company. Being thus established in a considerable part of the

dominions he now possesses, he began, about the year 1765, to form, at the instigation (as he asserts) of the servants of the East India Company, a variety of designs for the further extension of his territories. Some years after, he carried his views to certain objects of interior arrangement, of a very pernicious nature. None of these designs could be compassed without the aid of the Company's arms; nor could those arms be employed consistently with an obedience to the Company's orders. He was therefore advised to form a more secret, but an equally powerful interest among the servants of that Company, and among others, both at home and abroad. By engaging them in his interests, the use of the Company's power might be obtained without their ostensible authority, the power might even be employed in defiance of the authority; if the case should require, as in truth it often did require, a proceeding of that degree of boldness.

"The Company had put him into possession of several great cities and magnificent castles. The good order of his affairs, his sense of personal dignity, his ideas of oriental splendour, and the habits of an Asiatic life, (to which, being a native of India, and a Mahometan, he had from his infancy been inured,) would naturally have led him to fix the seat of his government within his own dominions. Instead of this, he totally sequestered himself from his country, and abandoning all appearance of state, he took up his residence in an ordinary house, which he purchased in the suburbs of the Company's factory at Madras. In that place he has lived, without removing one day from thence, for several years past. He has there continued a constant cabal with the Company's servants, from the highest to the lowest; creating, out of the ruins of the country, brilliant fortunes for those who will, and entirely destroying those who will not, be subservient to his purposes.

"An opinion prevailed, strongly confirmed by several passages in his own letters, as well as by a combination of circumstances forming a body of evidence which cannot be resisted, that very great sums have been by him distributed, through a long course of years, to some of the Company's servants. Besides these presumed payments in ready money, (of which, from the nature of the thing, the direct proof is very difficult,) debts have at several periods been acknowledged to those gentlemen, to an immense amount; that is, to some millions of sterling money. There is strong reason to suspect,

that the body of these debts is wholly fictitious, and was never created by money *bonâ fide* lent. But even on a supposition that this vast sum was really advanced, it was impossible that the very reality of such an astonishing transaction should not cause some degree of alarm, and incite to some sort of inquiry.

“ It was not at all seemly, at a moment when the Company itself was so distressed, as to require a suspension by act of parliament, of the payment of bills drawn on them from India — and also a direct tax upon every house in England, in order to facilitate the vent of their goods, and to avoid instant insolvency — at that very moment that their servants should appear in so flourishing a condition, as, besides ten millions of other demands on their masters, to be entitled to claim a debt of three or four millions more from the territorial revenue of one of their dependent princes.

“ The ostensible pecuniary transactions of the nabob of Arcot, with very private persons, are so enormous, that they evidently set aside every pretence of policy, which might induce a prudent government in some instances to wink at ordinary loose practice in ill-managed departments. No caution could be too great in handling this matter; no scrutiny too exact. It was evidently the interest, and as evidently at least in the power, of the creditors, by admitting secret participation in this dark and undefined concern, to spread corruption to the greatest and the most alarming extent.

“ These facts relative to the debts were so notorious, the opinion of their being a principal source of the disorders of the British government in India was so undisputed and universal, that there was no party, no description of men in parliament, who did not think themselves bound, if not in honour and conscience, at least in common decency, to institute a vigorous inquiry into the very bottom of the business, before they admitted any part of that vast and suspicious charge to be laid upon an exhausted country. Every plan concurred in directing such an inquiry; in order that whatever was discovered to be corrupt, fraudulent, or oppressive, should lead to a due animadversion on the offenders; and if any thing fair and equitable in its origin should be found, (nobody suspected that much, comparatively speaking, would be so found,) it might be provided for; in due subordination, however, to the ease of the subject, and the service of the state.

“ These were the alleged grounds for an inquiry, settled in all the bills brought into parliament relative to India, and there were I think no less than four of them. By the bill, commonly called Mr. Pitt's bill, the inquiry was specially, and by express words, committed to the court of directors, without any reserve for the interference of any other person or persons whatsoever. It was ordered that they should make the inquiry into the origin and justice of these debts, as far as the materials in their possession enabled them to proceed; and where they found those materials deficient, they should order the presidency of Fort St. George [Madras] to complete the inquiry.

“ The court of directors applied themselves to the execution of the trust reposed in them. They first examined into the amount of the debt, which they computed, at compound interest, to be 2,945,600*l.* sterling. Whether their mode of computation, either of the original sums, or the amount on compound interest, was exact; that is, whether they took the interest too high, or the several capitals too low, is not material. On whatever principle any of the calculations were made up, none of them found the debt to differ from the recital of the act, which asserted, that the sums claimed were ‘ very large.’ The last head of these debts the directors compute at 2,465,680*l.* sterling. Of the existence of this debt the directors heard nothing until 1776; and they say, that, ‘ although they ‘ had repeatedly written to the nabob of Arcot, and to their ‘ servants, respecting the debt, yet they had never been able ‘ to trace the origin thereof, or to obtain any satisfactory information on the subject.’

“ The court of directors, after stating the circumstances under which the debts appeared to them to have been contracted, add as follows: ‘ For these reasons we should have ‘ thought it our duty to inquire very minutely into those debts, ‘ even if the act of parliament had been silent on the subject, ‘ before we concurred in any measure for their payment. But ‘ with the positive injunctions of the act before us, to examine ‘ into their nature and origin, we are indispensably bound to ‘ direct such an inquiry to be instituted.’ They then order the president and council of Madras to enter into a full examination, &c. &c.

“ The directors having drawn up their order to the presidency on these principles, communicated the draught of the

general letter in which those orders were contained, to the board of his majesty's ministers, and other servants lately constituted by Mr. Pitt's East India act. These ministers, who had just carried through parliament the bill ordering a specific inquiry, immediately drew up another letter, on a principle directly opposite to that, which was prescribed by the act of parliament, and followed by the directors. In these second orders, all idea of an inquiry into the justice and origin of the pretended debts, particularly of the last, the greatest, and the most obnoxious to suspicion, is abandoned. They are all admitted and established without any investigation whatsoever, except some private conference with the agents of the claimants is to pass for an investigation; and a fund for their discharge is assigned and set apart out of the revenues of the Carnatic. — To this arrangement in favour of their servants, servants suspected of corruption, and convicted of disobedience, the directors of the East India Company were ordered to set their hands, asserting it to arise from their own conviction and opinion, in flat contradiction to their recorded sentiments, their strong remonstrance, and their declared sense of their duty, as well under their general trust and their oath as directors, as under the express injunctions of an act of parliament.

“ By another section of the same act, the same court of directors were ordered to take into consideration and to decide on the indeterminate rights of the rajah of Tanjore and the nabob of Arcot; and in this, as in the former case, no power of appeal, revision, or alteration was reserved to any other. It was a jurisdiction in a cause between party and party, given to the court of directors specifically. It was known that the territories of the former of these princes had been twice invaded and pillaged, and the prince deposed and imprisoned, by the Company's servants, influenced by the intrigues of the latter, and for the purpose of paying his pretended debts. The Company had, in the year 1775, ordered a restoration of the rajah to his government, under certain conditions. The rajah complained that his territories had not been completely restored to him; and that no part of his goods, money, revenues, or records, unjustly taken and withheld from him, were ever returned. The nabob, on the other hand, never ceased to claim the country itself, and carried on a continued train of negoci-

ation, that it should again be given up to him, in violation of the Company's public faith.

"The directors, in obedience to this part of the act, ordered an inquiry, and came to a determination to restore certain of his territories to the rajah. The ministers proceeding as in the former case, without hearing any party, rescinded the decision of the directors, refused the restitution of the territory, and without regard to the condition of the country of Tanjore, which had been within a few years four times plundered, (twice by the nabob of Arcot, and twice by enemies brought upon it solely by the politics of the same nabob, the declared enemy of that people,) and without discounting a shilling for their sufferings, they accumulate an arrear of about 400,000*l.* of pretended tribute to this enemy; and then they order the directors to put their hands to a new adjudication, directly contrary to a judgment in a judicial character and trust, solemnly given by them, and entered on their records.

"These proceedings naturally called for some inquiry. On the 28th of February, 1785, Mr. Fox made the following motion in the House of Commons, after moving that the clauses of the act should be read — 'That the proper officer do lay before this House copies and extracts of all letters and orders of the court of directors of the united East India Company, in pursuance of the injunctions contained in the 37th and 38th clauses of the said act;' and the question being put, it passed in the negative by a very great majority. The last speech in the debate was the following; which is given to the public, not as being more worthy of its attention than others, (some of which were of consummate ability,) but as entering more into the detail of the subject."

MR. BURKE rose and said :

The times we live in, Mr. Speaker, have been distinguished by extraordinary events. Habituated, however, as we are, to uncommon combinations of men and of affairs, I believe nobody recollects any thing more surprising than the spectacle of this day. The right honourable gentleman * whose conduct is now in question, formerly

* Mr. Dundas.

stood forth in this House, the prosecutor of the worthy baronet who spoke after him *. He charged him with several grievous acts of malversation in office; with abuses of a public trust of a great and heinous nature. In less than two years we see the situation of the parties reversed; and a singular revolution puts the worthy baronet in a fair way of returning the prosecution in a recriminatory bill of pains and penalties, grounded on a breach of public trust, relative to the government of the very same part of India. If he should undertake a bill of that kind, he will find no difficulty in conducting it with a degree of skill and vigour fully equal to all that have been exerted against him.

But the change of relation between these two gentlemen is not so striking as the total difference of their deportment under the same unhappy circumstances. Whatever the merits of the worthy baronet's defence might have been, he did not shrink from the charge. He met it with manliness of spirit, and decency of behaviour. What would have been thought of him, if he had held the present language of his old accuser? When articles were exhibited against him by that right honourable gentleman, he did not think proper to tell the House that we ought to institute no inquiry, to inspect no paper, to examine no witness. He did not tell us (what at that time he might have told us with some show of wisdom) that our concerns in India were matters of delicacy; that to divulge any thing relative to them would be mischievous to the state. He did not tell us, that those who would inquire into his proceedings were disposed to dismember the empire. He had not the presumption to say, that for his part, having obtained, in his Indian presidency, the ultimate object of his ambition, his honour was concerned in executing with integrity the trust which had been legally committed to his charge: that others, not having been so fortunate, could not be so disinterested; and therefore their accusations could spring from no other source than faction, and envy to his fortune.

* Sir Thomas Rumbold.

Had he been frontless enough to hold such vain vapouring language in the face of a grave, a detailed, a specified matter of accusation, whilst he violently resisted every thing which could bring the merits of his cause to the test; had he been wild enough to anticipate the absurdities of this day; that is, had he inferred, as his late accuser had thought proper to do, that he could not have been guilty of malversation in office, for this sole and curious reason, that he had been in office; had he argued the impossibility of his abusing his power on this sole principle, that he had power to abuse, he would have left but one impression on the mind of every man who heard him, and who believed him in his senses — that in the utmost extent he was guilty of the charge.

But, Sir, leaving these two gentlemen to alternate, as criminal and accuser, upon what principles they think expedient; it is for us to consider, whether the chancellor of the exchequer, and the treasurer of the navy, acting as a board of controul, are justified by law or policy, in suspending the legal arrangements made by the court of directors, in order to transfer the public revenues to the private emolument of certain servants of the East India Company, without the inquiry into the origin and justice of their claims, prescribed by an act of parliament?

It is not contended, that the act of parliament did not expressly ordain an inquiry. It is not asserted that this inquiry was not, with equal precision of terms, specially committed under particular regulations to the court of directors. I conceive, therefore, the board of controul had no right whatsoever to intermeddle in that business. There is nothing certain in the principles of jurisprudence, if this be not undeniably true, that when a special authority is given to any persons by name, to do some particular act, that no others, by virtue of general powers, can obtain a legal title to intrude themselves into that trust, and to exercise those special functions in their place. I therefore consider the intermeddling of ministers in this affair as a downright usurpation. But if the strained construction,

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 for which they have aimed themselves into a suspicious
 office, which every man, disinterested with regard to character,
 would rather have seen subject to avoid, were per-
 fectly sound and perfectly honest of this I am certain, that
 they cannot be justified in declining the inquiry which had
 been presented to the court of directors. If the board of
 directors did lawfully possess the right of executing the
 trust given to that court, they must take it as they
 found it, subject to the very same regulations which bound
 the court of directors. It will be allowed that the court of
 directors had no authority to dispense with either the sub-
 stance or the mode of inquiry prescribed by the act of
 parliament. If they had not, where, in the act, did the
 board of controul acquire that capacity? Indeed, it was
 impossible they should acquire it. — What must we think
 of the fabric and texture of an act of parliament which
 should find it necessary to prescribe a strict inquisition;
 that should descend into minute regulations for the conduct
 of that inquisition; that should commit this trust to a
 particular description of men, and in the very same breath
 should enable another body, at their own pleasure, to
 supersede all the provisions the legislature had made, and
 to defeat the whole purpose, end, and object of the law?
 This cannot be supposed even of an act of parliament con-
 ceived by the ministers themselves, and brought forth
 during the delirium of the last session.

My right honourable friend * has told you in the speech
 which introduced his motion, that fortunately this question
 is not a great deal involved in the labyrinths of Indian
 detail. Certainly not. But if it were, I beg leave to
 assure you, that there is nothing in the Indian detail which
 is more difficult than in the detail of any other business.
 I admit, because I have some experience of the fact, that
 for the interior regulation of India, a minute knowledge
 of India is requisite. But on any specific matter of delin-
 quency in its government, you are as capable of judging, as

* Mr. Fox.

if the same thing were done at your door. Fraud, injustice, oppression, speculation, engendered in India, are crimes of the same blood, family, and cast, with those that are born and bred in England. To go no farther than the case before us: you are just as competent to judge whether the sum of four millions sterling ought, or ought not, to be passed from the public treasury into a private pocket, without any title except the claim of the parties, when the issue of fact is laid in Madras, as when it is laid in Westminster.

Terms of art, indeed, are different in different places; but they are generally understood in none. The technical style of an Indian treasury is not one jot more remote than the jargon of our own exchequer, from the train of our ordinary ideas, or the idiom of our common language. The difference therefore in the two cases is not in the comparative difficulty or facility of the two subjects, but in our attention to the one, and our total neglect of the other. Had this attention and neglect been regulated by the value of the several objects, there would be nothing to complain of. But the reverse of that supposition is true. The scene of the Indian abuse is distant indeed; but we must not infer, that the value of our interest in it is decreased in proportion as it recedes from our view. In our politics, as in our common conduct, we shall be worse than infants, if we do not put our senses under the tuition of our judgment, and effectually cure ourselves of that optical illusion which makes a briar at our nose of greater magnitude, than an oak at five hundred yards distance.

I think I can trace all the calamities of this country to the single source of our not having had steadily before our eyes a general, comprehensive, well-connected, and well-proportioned view of the whole of our dominions, and a just sense of their true bearings and relations. After all its reductions the British empire is still vast and various. After all the reductions of the House of Commons, (stripped as we are of our brightest ornaments, and of our most important privileges,) enough are yet left to furnish us,

if we please, with means of shewing to the world, that we deserve the superintendence of as large an empire as this kingdom ever held, and the continuance of as ample privileges as the House of Commons, in the plenitude of its power, had been habituated to assert. But if we make ourselves too little for the sphere of our duty; if, on the contrary, we do not stretch and expand our minds to the compass of their object, be well assured, that every thing about us will dwindle by degrees, until at length our concerns are shrunk to the dimensions of our minds. It is not a predilection to mean, sordid, home-bred cares, that will avert the consequences of a false estimation of our interest, or prevent the shameful dilapidation into which a great empire must fall, by mean reparations upon mighty ruins.

I confess I feel a degree of disgust, almost leading to despair, at the manner in which we are acting in the great exigencies of our country. There is now a bill in this House, appointing a rigid inquisition into the minutest detail of our offices at home. The collection of 16 millions annually; a collection on which the public greatness, safety, and credit, have their reliance; the whole order of criminal jurisprudence, which holds together society itself, have at no time obliged us to call forth such powers; no, nor any thing like them. There is not a principle of the law and constitution of this country that is not subverted to favour the execution of that project. And for what is all this apparatus of bustle and terror? Is it because any thing substantial is expected from it? No. The stir and bustle itself is the end proposed. The eye-servants of a short-sighted master will employ themselves, not on what is most essential to his affairs, but on what is nearest to his ken. Great difficulties have given a just value to economy; and our minister of the day must be an economist, whatever it may cost us. But where is he to exert his talents? At home to be sure; for where else can he obtain a profitable credit for their exertion? It is nothing to him, whether the object on which he works under our eye be

promising or not. If he does not obtain any public benefit, he may make regulations without end. Those are sure to pay in present expectation, whilst the effect is at a distance, and may be the concern of other times, and other men. On these principles he chooses to suppose (for he does not pretend more than to suppose) a naked possibility, that he shall draw some resource out of crumbs dropped from the trenchers of penury; that something shall be laid in store from the short allowance of revenue officers, over-loaded with duty, and famished for want of bread; by a reduction from officers who are at this very hour ready to batter the treasury with what breaks through stone walls, for an increase of their appointments. From the marrowless bones of these skeleton-establishments, by the use of every sort of cutting, and of every sort of fretting tool, he flatters himself that he may chip and rasp an empirical alimentary powder, to diet into some similitude of health and substance the languishing chimeras of fraudulent reformation.

Whilst he is thus employed according to his policy and to his taste, he has not leisure to inquire into those abuses in India that are drawing off money by millions from the treasures of this country, which are exhausting the vital juices from members of the state, where the public inanition is far more sorely felt than in the local exchequer of England. Not content with winking at these abuses, whilst he attempts to squeeze the laborious ill-paid drudges of English revenue, he lavishes in one act of corrupt prodigality, upon those who never served the public in any honest occupation at all, an annual income equal to two-thirds of the whole collection of the revenues of this kingdom.

Actuated by the same principle of choice, he has now on the anvil another scheme, full of difficulty and desperate hazard, which totally alters the commercial relation of two kingdoms; and what end soever it shall have, may bequeath a legacy of heart-burning and discontent to one of the countries, perhaps to both, to be perpetuated to

the latest posterity. This project is also undertaken on the hope of profit. It is provided, that out of some (I know not what) remains of the Irish hereditary revenue, a fund at some time, and of some sort, should be applied to the protection of the Irish trade. Here we are commanded again to task our faith, and to persuade ourselves, that out of the surplus of deficiency, out of the savings of habitual and systematic prodigality, the minister of wonders will provide support for this nation, sinking under the mountainous load of 230 millions of debt. But whilst we look with pain at his desperate and laborious trifling; whilst we are apprehensive that he will break his back in stooping to pick up chaff and straws, he recovers himself at an elastic bound, and with a broad-cast swing of his arm, he squanders over his Indian field a sum far greater than the clear produce of the whole hereditary revenue of the kingdom of Ireland.*

Strange as this scheme of conduct in ministry is, and inconsistent with all just policy, it is still true to itself, and faithful to its own perverted order. Those who are bountiful to crimes, will be rigid to merit, and penurious to service. Their penury is even held out as a blind and cover to their prodigality. The economy of injustice is to furnish resources for the fund of corruption. Then they pay off their protection to great crimes and great criminals, by being inexorable to the paltry frailties of little men; and these modern flagellants are sure, with a rigid fidelity, to whip their own enormities on the vicarious back of every small offender.

It is to draw your attention to economy of quite another order; it is to animadvert on offences of a far different description, that my honourable friend has brought before

* The whole of the net Irish hereditary revenue is, on a medium of the last seven years, about 330,000*l.* yearly. The revenues of all denominations fall short more than 150,000*l.* yearly of the charges. On the present produce, if Mr. Pitt's scheme was to take place, he might gain from seven to ten thousand pounds a year.

you the motion of this day. It is to perpetuate the abuses which are subverting the fabric of your empire, that the motion is opposed. It is therefore with reason (and if he has power to carry himself through, I commend his prudence) that the right honourable gentleman makes his stand at the very outset; and boldly refuses all parliamentary information. Let him admit but one step towards inquiry, and he is undone. You must be ignorant, or he cannot be safe. But before his curtain is let down, and the shades of eternal night shall veil our eastern dominions from our view, permit me, Sir, to avail myself of the means which were furnished in anxious and inquisitive times, to demonstrate out of this single act of the present minister, what advantages you are to derive from permitting the greatest concern of this nation to be separated from the cognizance, and exempted even out of the competence, of parliament. The greatest body of your revenue, your most numerous armies, your most important commerce, the richest sources of your public credit, (contrary to every idea of the known settled policy of England,) are on the point of being converted into a mystery of state. You are going to have one half of the globe hid even from the common liberal curiosity of an English gentleman. Here a grand revolution commences. Mark the period, and mark the circumstances. In most of the capital changes that are recorded in the principles and system of any government, a public benefit of some kind or other has been pretended. The revolution commenced in something plausible; in something which carried the appearance at least of punishment of delinquency, or correction of abuse. But here, in the very moment of the conversion of a department of British government into an Indian mystery, and in the very act in which the change commences, a corrupt, private interest is set up in direct opposition to the necessities of the nation. A diversion is made of millions of the public money from the public treasury to a private purse. It is not into secret negotiations for war, peace, or alliance, that the House of Commons is forbidden to inquire. It

is a matter of account; it is a pecuniary transaction; it is the demand of a suspected steward upon ruined tenants and an embarrassed master, that the Commons of Great Britain are commanded not to inspect. The whole tenor of the right honourable gentleman's argument is consonant to the nature of his policy. The system of concealment is fostered by a system of falsehood. False facts, false colours, false names of persons and things, are its whole support.

Sir, I mean to follow the right honourable gentleman over that field of deception, clearing what he has purposely obscured, and fairly stating what it was necessary for him to misrepresent. For this purpose, it is necessary you should know with some degree of distinctness, a little of the locality, the nature, the circumstances, the magnitude of the pretended debts on which this marvellous donation is founded, as well as of the persons from whom and by whom it is claimed.

Madras, with its dependencies, is the second (but with a long interval, the second) member of the British empire in the East. The trade of that city, and of the adjacent territory, was, not very long ago, among the most flourishing in Asia. But since the establishment of the British power, it has wasted away under an uniform gradual decline; insomuch that in the year 1779 not one merchant of eminence was to be found in the whole country. During this period of decay, about 600,000 sterling pounds a year have been drawn off by English gentlemen on their private account, by the way of China alone. If we add four hundred thousand, as probably remitted through other channels, and in other mediums, that is, in jewels, gold, and silver directly brought to Europe, and in bills upon the British and foreign companies, you will scarcely think the matter over-rated. If we fix the commencement of this extraction of money from the Carnatic at a period no earlier than the year 1760, and close it in the year 1780, it probably will not amount to a great deal less than twenty millions of money.

During the deep silent flow of this steady stream of wealth, which set from India into Europe, it generally passed on with no adequate observation; but happening at some periods to meet rifts of rocks that checked its course, it grew more noisy and attracted more notice. The pecuniary discussions caused by an accumulation of part of the fortunes of their servants in a debt from the nabob of Arcot, was the first thing which very particularly called for, and long engaged the attention of the court of directors. This debt amounted to 880,000*l.* sterling, and was claimed, for the greater part, by English gentlemen, residing at Madras. This grand capital, settled at length by order at 10 per cent. afforded an annuity of 88,000*l.*

Whilst the directors were digesting their astonishment at this information, a memorial was presented to them from three gentlemen, informing them that their friends had lent likewise, to merchants of Canton in China, a sum of not more than one million sterling. In this memorial they called upon the Company for their assistance and interposition with the Chinese government for the recovery of the debt. This sum lent to Chinese merchants, was at 24 per cent. which would yield, if paid, an annuity of 240,000*l.**

Perplexed as the directors were with these demands, you may conceive, Sir, that they did not find themselves very much disembarassed, by being made acquainted that they must again exert their influence for a new reserve of the happy parsimony of their servants, collected into a second debt from the nabob of Arcot, amounting to 2,400,000*l.* settled at an interest of 12 per cent. This is known by the name of the Consolidation of 1777, as the former of the nabob's debts was by the title of the Consolidation of 1767. To this was added, in a separate parcel, a little reserve called the Cavalry Debt, of 160,000*l.* at the same interest. The whole of these four capitals, amounting to

* A witness examined before the committee of secrecy says, that 18 per cent. was the usual interest; but he had heard that more had been given. The above is the account which Mr. Burke received.

4,440,000*l.* produced at their several rates, annuities amounting to 623,000*l.* a year; a good deal more than one-third of the clear land-tax of England, at four shillings in the pound; a good deal more than double the whole annual dividend of the East India Company, the nominal masters to the proprietors in these funds. Of this interest, 383,200*l.* a year stood chargeable on the public revenues of the Carnatic.

Sir, at this moment, it will not be necessary to consider the various operations which the capital and interest of this debt have successively undergone. I shall speak to these operations when I come particularly to answer the right honourable gentleman on each of the heads, as he has thought proper to divide them. But this was the exact view in which these debts first appeared to the court of directors, and to the world. It varied afterwards. But it never appeared in any other than a most questionable shape. When this gigantic phantom of debt first appeared before a young minister, it naturally would have justified some degree of doubt and apprehension. Such a prodigy would have filled any common man with superstitious fears. He would exorcise that shapeless, nameless form, and by every thing sacred would have adjured it to tell by what means a small number of slight individuals, of no consequence or situation, possessed of no lucrative offices, without the command of armies, or the known administration of revenues, without profession of any kind, without any sort of trade sufficient to employ a pedlar, could have, in a few years (as to some, even in a few months) amassed treasures equal to the revenues of a respectable kingdom? Was it not enough to put these gentlemen, in the noviciate of their administration, on their guard, and to call upon them for a strict inquiry, (if not to justify them in a reprobation of those demands without any inquiry at all,) that when all England, Scotland, and Ireland had for years been witness to the immense sums laid out by the servants of the Company in stocks of all denominations, in the purchase of lands, in the buying and building of houses, in the securing quiet seats in parlia-

ment, or in the tumultuous riot of contested elections, in wandering throughout the whole range of those variegated modes of inventive prodigality, which sometimes have excited our wonder, sometimes roused our indignation; that after all India was four millions still in debt to them? India in debt to them! For what? Every debt for which an equivalent of some kind or other is not given, is on the face of it a fraud. What is the equivalent they have given? What equivalent had they to give? What are the articles of commerce, or the branches of manufacture which those gentlemen have carried hence to enrich India? What are the sciences they beamed out to enlighten it? What are the arts they introduced to cheer and to adorn it? What are the religious, what the moral institutions they have taught among that people as a guide to life, or as a consolation when life is to be no more, that there is an eternal debt, a debt 'still paying still to owe,' which must be bound on the present generation in India, and entailed on their mortgaged posterity for ever? A debt of millions, in favour of a set of men, whose names, with few exceptions, are either buried in the obscurity of their origin and talents, or dragged into light by the enormity of their crimes!

In my opinion the courage of the minister was the most wonderful part of the transaction, especially as he must have read, or rather the right honourable gentleman says, he has read for him, whole volumes upon the subject. The volumes, by the way, are not by one-tenth part so numerous as the right honourable gentleman has thought proper to pretend, in order to frighten you from inquiry; but in these volumes, such as they are, the minister must have found a full authority for a suspicion (at the very least) of every thing relative to the great fortunes made at Madras. What is that authority? Why no other than the standing authority for all the claims which the ministry has thought fit to provide for — the grand debtor — the nabob of Arcot himself. Hear that prince, in the letter written to the court of directors, at the precise period, whilst the main body of these debts were contracting. In his letter he

states himself to be, what undoubtedly he is, a most competent witness to this point. After speaking of the war with Hyder Ali in 1768 and 1769, and of other measures which he censures, (whether right or wrong it signifies nothing,) and into which he says he had been led by the Company's servants; he proceeds in this manner: — "If all these things were against the real interests of the Company, they are ten thousand times more against mine, and against the prosperity of my country, and the happiness of my people; for your interests and mine are the same. What were they owing to, then? To the private views of a few individuals, who have enriched themselves at the expence of your influence, and of my country; for your servants have no trade in this country; neither do you pay them high wages, yet in a few years they return to England with many lacks of pagodas. How can you or I account for such immense fortunes acquired in so short a time, without any visible means of getting them?"

When he asked this question, which involves its answer, it is extraordinary that curiosity did not prompt the chancellor of the exchequer to that inquiry, which might come in vain recommended to him by his own act of parliament. Does not the nabob of Arcot tell us in so many words, that there was no fair way of making the enormous sums sent by the Company's servants to England? and do you imagine that there was or could be more honesty and good faith, in the demands for what remained behind in India? Of what nature were the transactions with himself? If you follow the train of his information you must see, that if these great sums were at all lent, it was not property, but spoil that was lent; if not lent, the transaction was not a contract, but a fraud. Either way, if light enough could not be furnished to authorize a full condemnation of these demands, they ought to have been left to the parties, who best knew and understood each other's proceedings. It was not necessary that the authority of government should interpose in favour of claims, whose very foundation was a

defiance of that authority, and whose object and end was its entire subversion.

It may be said that this letter was written by the nabob of Arcot in a moody humour, under the influence of some chagrin. Certainly it was; but it is in such humours that truth comes out. And when he tells you from his own knowledge, what every one must presume, from the extreme probability of the thing, whether he told it or not, one such testimony is worth a thousand that contradict that probability, when the parties have a better understanding with each other, and when they have a point to carry, that may unite them in a common deceit.

If this body of private claims of debt, real or devised, were a question, as it is falsely pretended, between the nabob of Arcot as debtor, and Paul Benfield and his associates as creditors, I am sure, I should give myself but little trouble about it. If the hoards of oppression were the fund for satisfying the claims of bribery and peculation, who would wish to interfere between such litigants? If the demands were confined to what might be drawn from the treasures which the Company's records uniformly assert that the nabob is in possession of; or if he had mines of gold or silver, or diamonds, (as we know that he has none,) these gentlemen might break open his hoards, or dig in his mines, without any disturbance from me. But the gentlemen on the other side of the House know as well as I do, and they dare not contradict me, that the nabob of Arcot and his creditors are not adversaries, but collusive parties, and that the whole transaction is under a false colour and false names. The litigation is not, nor ever has been, between their rapacity and his hoarded riches. No; it is between him and them combining and confederating on one side, and the public revenues, and the miserable inhabitants of a ruined country, on the other. These are the real plaintiffs and the real defendants in the suit. Refusing a shilling from his hoards for the satisfaction of any demand, the nabob of Arcot is always ready, nay, he earnestly, and with eagerness and passion, contends for

delivering up to these pretended creditors his territory and his subjects. It is therefore not from treasuries and mines, but from the food of your unpaid armies, from the blood withheld from the veins, and whipt out of the backs of the most miserable of men, that we are to pamper extortion, usury, and speculation, under the false names of debtors and creditors of state.

The great patron of these creditors, (to whose honour they ought to erect statues,) the right honourable gentleman (Mr. Dundas), in stating the merits which recommended them to his favour, has ranked them under three grand divisions. The first, the creditors of 1767; then the creditors of the cavalry loan; and lastly, the creditors of the loan in 1777. Let us examine them, one by one, as they pass in review before us.

The first of these loans, that of 1767, he insists, has an indisputable claim upon the public justice. The creditors, he affirms, lent their money publicly; they advanced it with the express knowledge and approbation of the Company; and it was contracted at the moderate interest of ten per cent. In this loan the demand is, according to him, not only just, but meritorious in a very high degree; and one would be inclined to believe he thought so, because he has put it last in the provision he has made for these claims.

I readily admit this debt to stand the fairest of the whole; for whatever may be my suspicions concerning a part of it, I can convict it of nothing worse than the most enormous usury. But I can convict upon the spot the right honourable gentleman, of the most daring misrepresentation in every one fact, without any exception, that he has alleged in defence of this loan, and of his own conduct with regard to it. I will shew you that this debt was never contracted with the knowledge of the Company; that it had not their approbation; that they received the first intelligence of it with the utmost possible surprise, indignation, and alarm.

So far from being previously apprized of the transaction

from its origin, it was two years before the court of directors obtained any official intelligence of it. "The dealings of the servants with the nabob were concealed from the first, until they were found out," (says Mr. Sayer, the Company's counsel,) "by the report of the country." The presidency, however, at last thought proper to send an official account. On this the directors tell them, "to your great reproach it has been concealed from us. We cannot but suspect this debt to have had its weight in your proposed aggrandizement of Mahomed Ali [the nabob of Arcot]; but whether it has or has not, certain it is, you are guilty of a high breach of duty in concealing it from us."

These expressions, concerning the ground of the transaction, its effect, and its clandestine nature, are in the letters, bearing date March 17. 1769. After receiving a more full account on the 23d March, 1770, they state, that "Messrs. John Pybus, John Call, and James Burchier, as trustees for themselves and others of the nabob's private creditors, had proved a deed of assignment upon the nabob and his son of fifteen districts of the nabob's country, the revenues of which yielded, in time of peace, eight lacks of pagodas [320,000*l.* sterling] annually; and likewise an assignment of the yearly tribute paid the nabob from the rajah of Tanjore, amounting to four lacks of rupees [40,000*l.*]." The territorial revenue, at that time possessed by these gentlemen, without the knowledge or consent of their masters, amounted to 360,000*l.* sterling annually. They were making rapid strides to the entire possession of the country, when the directors, whom the right honourable gentleman states as having authorized these proceedings, were kept in such profound ignorance of this royal acquisition of territorial revenue by their servants, that in the same letter they say, "this assignment was obtained by three of the members of your board, in January 1767, yet we do not find the least trace of it upon your consultations, until August 1768, nor do any of your letters to us afford any information relative to such

transactions, till the 1st of November 1768. By your last letters of the 8th of May, 1769, you bring the whole proceedings to light in one view."

As to the previous knowledge of the Company, and its sanction to the debts, you see that this assertion of that knowledge is utterly unfounded. But did the directors approve of it, and ratify the transaction when it was known? The very reverse. On the same 3d of March, the directors declare, "upon an impartial examination of the whole conduct of our late governor and council of Fort George (Madras), and on the fullest consideration, that the said governor and council have, in notorious violation of the trust reposed in them, manifestly preferred the interest of private individuals to that of the Company, in permitting the assignment of the revenues of certain valuable districts, to a very large amount, from the nabob to individuals,"—and then highly aggravating their crimes, they add, "we order and direct that you do examine, in the most impartial manner, all the above-mentioned transactions; and that you punish by suspension, degradation, dismissal, or otherwise, as to you shall seem meet, all and every such servant or servants of the Company, who may by you be found guilty of any of the above offences." "We had (say the directors) the mortification to find that the servants of the Company, who had been raised, supported, and owed their present opulence to the advantages gained in such service, have in this instance most unfaithfully betrayed their trust, abandoned the Company's interest, and prostituted its influence to accomplish the purposes of individuals, whilst the interest of the Company is almost wholly neglected, and payment to us rendered extremely precarious." Here then is the rock of approbation of the court of directors, on which the right honourable gentleman says this debt was founded. Any member, Mr. Speaker, who should come into the House, on my reading this sentence of condemnation of the court of directors against their unfaithful servants, might well imagine that he had heard a harsh, severe, unqualified

invective against the present ministerial board of controul. So exactly do the proceedings of the patrons of this abuse tally with those of the actors in it, that the expressions used in the condemnation of the one, may serve for the reprobation of the other, without the change of a word.

To read you all the expressions of wrath and indignation fulminated in this dispatch against the meritorious creditors of the right honourable gentleman, who according to him have been so fully approved by the Company, would be to read the whole.

The right honourable gentleman, with an address peculiar to himself, every now and then slides in the presidency of Madras, as synonymous to the Company. That the presidency did approve the debt, is certain. But the right honourable gentleman, as prudent in suppressing, as skillful in bringing forward his matter, has not chosen to tell you that the presidency were the very persons guilty of contracting this loan; creditors themselves, and agents and trustees for all the other creditors. For this the court of directors accuse them of breach of trust; and for this the right honourable gentleman considers them as perfectly good authority for those claims. It is pleasant to hear a gentleman of the law quote the approbation of creditors as an authority for their own debt.

How they came to contract the debt to themselves, how they came to act as agents for those whom they ought to have controuled, is for your inquiry. The policy of this debt was announced to the court of directors, by the very persons concerned in creating it. "Till very lately," say the presidency, "the nabob placed his dependence on the Company. Now he has been taught by ill-advisers, that an interest out of doors may stand him in good stead. He has been made to believe that his private creditors have power and interest to over-rule the court of directors *." The nabob was not misinformed. The private

* For the threats of the creditors, and total subversion of the authority of the Company in favour of the nabob's power, and the increase

creditors instantly qualified a vast number of votes; and having made themselves masters of the court of proprietors, as well as extending a powerful cabal in other places as important, they so completely overturned the authority of the court of directors at home and abroad, that this poor baffled government was soon obliged to lower its tone. It was glad to be admitted into partnership with its own servants. The court of directors establishing the debt which they had reprobated as a breach of trust, and which was planned for the subversion of their authority, settled its payments on a par with those of the public; and even so, were not able to obtain peace or even equality in their demands. All the consequences lay in a regular and irresistible train. By employing their influence for the recovery of this debt, their orders, issued in the same breath, against creating new debts, only animated the strong desires of their servants to this prohibited prolific sport, and it soon produced a swarm of sons and daughters, not in the least degenerated from the virtue of their parents.

From that moment, the authority of the court of directors expired in the Carnatic, and every where else. "Every man," says the presidency, "who opposes the government and its measures, finds an immediate countenance from the nabob; even our discarded officers, however unworthy, are received into the nabob's service*." It was indeed a matter of no wonderful sagacity to determine whether the

thereby of his evil dispositions, and the great derangement of all public concerns, see select committee Fort St. George's letters, 21st Nov. 1769, and Jan. 31. 1770, Sept. 11. 1772. And Governor Bouchier's letters to the nabob of Arcot, 21st Nov. 1769, and Dec. 9. 1769.

* "He (the nabob) is in a great degree the cause of our present inability; by diverting the revenues of the Carnatic through private channels."—"Even this peshcush (the Tanjore tribute), circumstanced as he and we are, he has assigned over to others, who now set themselves in opposition to the Company." Consultations, Oct. 11. 1769, on the 12th communicated to the nabob.

court of directors, with their miserable salaries to their servants, of four or five hundred pounds a year, or the distributor of millions, was most likely to be obeyed. It was an invention beyond the imagination of all the speculatists of our speculating age, to see a government quietly settled in one and the same town, composed of two distinct members; one to pay scantily for obedience, and the other to bribe high for rebellion and revolt.

The next thing which recommends this particular debt to the right honourable gentleman is, it seems, the moderate interest of ten per cent. It would be lost labour to observe on this assertion. The nabob, in a long apologetic letter * for the transaction between him and the body of the creditors, states the fact, as I shall state it to you. In the accumulation of this debt, the first interest paid was from thirty to thirty-six per cent., it was then brought down to twenty-five per cent., at length it was reduced to twenty; and there it found its rest. During the whole process, as often as any of these monstrous interests fell into an arrear, (into which they were continually falling,) the arrear, formed into a new capital †, was added to the old, and the same interest of twenty per cent. accrued upon both. The Company, having got some scent of the enormous usury which prevailed at Madras, thought it necessary to interfere, and to order all interests to be lowered to ten per cent. This order, which contained no exception, though it by no means pointed particularly to

* Nabob's letter to Governor Palk. Papers published by the directors in 1775; and papers printed by the same authority, 1781.

† See papers printed by order of a general court in 1780, p. 222. and p. 224., as also nabob's letter to Governor Dupré, 19th July, 1771, "I have taken up loans by which I have suffered a loss of upwards of a crore of pagodas (four millions sterling) by interest on an heavy interest."—Letter 15th Jan. 1772, "Notwithstanding I have taken much trouble, and have made many payments to my creditors, yet the load of my debt, which became so great, by interest and compound interest, is not cleared."

this class of debts, came like a thunder-clap on the nabob. He considered his political credit as ruined; but to find a remedy to this unexpected evil, he again added to the old principal twenty per cent. interest accruing for the last year. Thus a new fund was formed; and it was on that accumulation of various principals, and interests heaped upon interests, not on the sum originally lent, as the right honourable gentleman would make you believe, that ten per cent. was settled on the whole.

When you consider the enormity of the interest at which these debts were contracted, and the several interests added to the principal, I believe you will not think me so sceptical, if I should doubt, whether for this debt of 880,000*l.* the nabob ever saw 100,000*l.* in real money. The right honourable gentleman suspecting, with all his absolute dominion over fact, that he never will be able to defend even this venerable patriarchal job, though sanctified by its numerous issue, and hoary with prescriptive years, has recourse to recrimination, the last resource of guilt. He says that this loan of 1767 was provided for in Mr. Fox's India bill; and judging of others by his own nature and principles, he more than insinuates, that this provision was made, not from any sense of merit in the claim, but from partiality to General Smith, a proprietor, and an agent for that debt. If partiality could have had any weight against justice and policy, with the then ministers and their friends, General Smith had titles to it. But the right honourable gentleman knows as well as I do, that General Smith was very far from looking on himself as partially treated in the arrangements of that time; indeed what man dared to hope for private partiality in that sacred plan for relief to nations?

It is not necessary that the right honourable gentleman should sarcastically call that time to our recollection. Well do I remember every circumstance of that memorable period. God forbid I should forget it. O illustrious disgrace! O victorious defeat! May your memorial be fresh and new to the latest generations! May the day of

that generous conflict be stamped in characters never to be cancelled or worn out from the records of time! Let no man hear of us, who shall not hear that in a struggle against the intrigues of courts, and the perfidious levity of the multitude, we fell in the cause of honour, in the cause of our country, in the cause of human nature itself! But if fortune should be as powerful over fame, as she has been prevalent over virtue, at least our conscience is beyond her jurisdiction. My poor share in the support of that great measure, no man shall ravish from me. It shall be safely lodged in the sanctuary of my heart; never, never to be torn from thence, but with those holds that grapple it to life. I say, I well remember that bill, and every one of its honest and its wise provisions. It is not true that this debt was ever protected or enforced, or any revenue whatsoever set apart for it. It was left in that bill just where it stood; to be paid or not to be paid out of the nabob's private treasures, according to his own discretion. The Company had actually given it their sanction; though always relying for its validity on the sole security of the faith of him, [the nabob of Arcot,] who without their knowledge or consent entered into the original obligation. It had no other sanction; it ought to have had no other. So far was Mr. Fox's bill from providing funds for it, as this ministry have wickedly done for this, and for ten times worse transactions, out of the public estate, that an express clause immediately preceded, positively forbidding any British subject from receiving assignments upon any part of the territorial revenue, on any pretence whatsoever.*

* * And be it further enacted by the authority aforesaid, that the nabob of Arcot, the rajah of Tanjore, or any other native protected prince in India, shall not assign, mortgage, or pledge any territory or land whatsoever, or the produce or revenue thereof, to any British subject whatsoever; neither shall it be lawful to and for any British subject whatsoever to take or receive any such assignment, mortgage, or pledge; and the same are hereby declared to be null and void; and all payments or deliveries of produce or revenue, under any such assign-

You recollect, Mr. Speaker, that the chancellor of the exchequer strongly professed to retain every part of Mr. Fox's bill, which was intended to prevent abuse; but in his India bill, which (let me do justice) is as able and skilful a performance for its own purposes, as ever issued from the wit of man, premeditating this iniquity — *hoc ipsum ut strueret Trojamque aperiret Achivis*, expunged this essential clause, broke down the fence which was raised to cover the public property against the rapacity of his partisans, and thus levelling every obstruction, he made a firm, broad, highway for sin and death, for usury and oppression, to renew their ravages throughout the devoted revenues of the Carnatic.

The tenor, the policy, and the consequences of this debt of 1767, are, in the eyes of ministry, so excellent, that its merits are irresistible, and it takes the lead to give credit and countenance to all the rest. Along with this chosen body of heavy-armed infantry, and to support it, in the line, the right honourable gentleman has stationed his corps of black cavalry. If there be any advantage between this debt and that of 1769, according to him the cavalry-debt has it. It is not a subject of defence; it is a theme of panegyric. Listen to the right honourable gentleman, and you will find it was contracted to save the country; to prevent mutiny in armies; to introduce economy in revenues; and for all these honourable purposes, it originated at the express desire, and by the representative authority of the Company itself.

First, let me say a word to the authority. This debt was contracted not by the authority of the Company, not by its representatives, (as the right honourable gentleman has the unparalleled confidence to assert,) but in the ever-memorable period of 1777, by the usurped power of those

ment, shall and may be recovered back by such native prince paying or delivering the same, from the person or persons receiving the same, or his or their representatives."

who rebelliously, in conjunction with the nabob of Arcot, had overturned the lawful government of Madras. For that rebellion, this House unanimously directed a public prosecution. The delinquents, after they had subverted government, in order to make to themselves a party to support them in their power, are universally known to have dealt jobs about to the right and to the left, and to any who were willing to receive them. This usurpation, which the right honourable gentleman well knows, was brought about by and for the great mass of these pretended debts, is the authority which is set up by him to represent the Company; to represent that Company which from the first moment of their hearing of this corrupt and fraudulent transaction, to this hour, have uniformly disowned and disavowed it.

So much for the authority. As to the facts, partly true, and partly colourable, as they stand recorded, they are in substance these: — The nabob of Arcot, as soon as he had thrown off the superiority of this country by means of these creditors, kept up a great army which he never paid. Of course, his soldiers were generally in a state of mutiny. The usurping council say, that they laboured hard with their master the nabob, to persuade him to reduce these mutinous and useless troops. He consented; but as usual, pleaded inability to pay them their arrears. Here was a difficulty. The nabob had no money; the Company had no money; every public supply was empty. But there was one resource which no season has ever yet dried up in that climate. The soucars were at hand; that is, private English money-jobbers offered their assistance. Messieurs Taylor, Majendie, and Call, proposed to advance the small sum of 160,000*l.* to pay off the nabob's black cavalry, provided the Company's authority was given for their loan. This was the great point of policy always aimed at, and pursued through a hundred devices by the servants at Madras. The presidency, who themselves had no authority for the functions they presumed to exercise, very readily gave the sanction of the Company to those servants who knew that

the Company, whose sanction was demanded, had positively prohibited all such transactions.

However, so far as the reality of the dealing goes, all is hitherto fair and plausible; and here the right honourable gentleman concludes, with commendable prudence, his account of the business. But here it is I shall beg leave to commence my supplement: for the gentleman's discreet modesty has led him to cut the thread of the story somewhat abruptly. One of the most essential parties is quite forgotten. Why should the episode of the poor nabob be omitted? When that prince chooses it nobody can tell his story better. Excuse me, if I apply again to my book, and give it you from the first hand; from the nabob himself:

"Mr. Stratton became acquainted with this, and got Mr. Taylor and others to lend me four lacks of pagodas towards discharging the arrears of pay of my troops. Upon this, I wrote a letter of thanks to Mr. Stratton; and upon the faith of this money being paid immediately, I ordered many of my troops to be discharged by a certain day, and lessened the number of my servants. Mr. Taylor, &c. some time after acquainted me, that they had no ready money, but they would grant teeps payable in four months. This astonished me; for I did not know what might happen, when the sepoy were dismissed from my service. I begged of Mr. Taylor and the others to pay this sum to the officers of my regiments at the time they mentioned; and desired the officers, at the same time, to pacify and persuade the men belonging to them, that their pay would be given to them at the end of four months; and that till those arrears were discharged, their pay should be continued to them. Two years are nearly expired since that time, but Mr. Taylor has not yet entirely discharged the arrears of those troops, and I am obliged to continue their pay from that time till this. I hoped to have been able, by this expedient, to have lessened the number of my troops, and discharge the arrears due to them, considering the trifle of interest to Mr. Taylor, and the others, as no great matter; but instead of this, I am oppressed with the burthen of pay due to those

troops; and the interest, which is going on to Mr. Taylor from the day the teeps were granted to him." What I have read to you is an extract of a letter from the nabob of the Carnatic to Governor Rumbold, dated the 22d, and received the 24th of March, 1779.

Suppose his highness not to be well broken in to things of this kind, it must indeed surprise so known and established a bond-vender, as the nabob of Arcot, one who keeps himself the largest bond-warehouse in the world, to find that he was now to receive in kind; not to take money for his obligations, but to give his bond in exchange for the bond of Messrs. Taylor, Majendie, and Call, and to pay beside, a good smart interest, legally 12 per cent. (in reality perhaps 20, or 24 per cent.) for this exchange of paper. But his troops were not to be so paid, or so disbanded. They wanted bread, and could not live by cutting and shuffling of bonds. The nabob still kept the troops in service, and was obliged to continue, as you have seen, the whole expence, to exonerate himself from which he became indebted to the soucars.

Had it stood here, the transaction would have been of the most audacious strain of fraud and usury, perhaps, ever before discovered, whatever might have been practised and concealed. But the same authority (I mean the nabob's) brings before you something if possible more striking. He states, that for this their paper, he immediately handed over to these gentlemen something very different from paper; that is, the receipt of a territorial revenue, of which it seems they continued as long in possession as the nabob himself continued in possession of any thing. Their payments, therefore, not being to commence before the end of four months, and not being completed in two years, it must be presumed (unless they proved the contrary) that their payments to the nabob were made out of the revenues they had received from his assignment. Thus they condescended to accumulate a debt of 160,000*l.* with an interest of 12 per cent. in compensation for a lingering payment to the nabob of 160,000*l.* of his own money.

Still we have not the whole: about two years after the assignment of those territorial revenues to these gentlemen, the nabob receives a remonstrance from his chief manager, in a principal province, of which this is the tenour: — “The entire revenue of those districts is by your highness’s order set apart to discharge the tuncaws (assignments) granted to the Europeans. The gomasthas (agents) of Mr. Taylor, to Mr. De Fries, are there in order to collect those tuncaws; and as they receive all the revenue that is collected, your highness’s troops have seven or eight months’ pay due, which they cannot receive, and are thereby reduced to the greatest distress. In such times, it is highly necessary to provide for the sustenance of the troops, that they may be ready to exert themselves in the service of your highness.”

Here, Sir, you see how these causes and effects act upon one another. One body of troops mutinies for want of pay; a debt is contracted to pay them; and they still remain unpaid. A territory destined to pay other troops is assigned for this debt; and these other troops fall into the same state of indigence and mutiny with the first. Bond is paid by bond; arrear is turned into new arrear; usury engenders new usury; mutiny suspended in one quarter, starts up in another; until all the revenues, and all the establishments are entangled into one inextricable knot of confusion, from which they are only disengaged by being entirely destroyed. In that state of confusion, in a very few months after the date of the memorial I have just read to you, things were found, when the nabob’s troops, famished to feed English soucars, instead of defending the country, joined the invaders, and deserted in entire bodies to Hyder Ali.

The manner in which this transaction was carried on, shews that good examples are not easily forgot, especially by those who are bred in a great school. One of those splendid examples give me leave to mention, at a somewhat more early period, because one fraud furnishes light to the discovery of another, and so on, until the whole secret of mysterious iniquity bursts upon you in a blaze of detection. The paper I shall read you is not on record. If you

please you may take it on my word. It is a letter written from one of undoubted information in Madras, to Sir John Clavering, describing the practice that prevailed there, whilst the Company's allies were under sale, during the time of Governor Winch's administration.

" — One mode," says Clavering's correspondent, "of amassing money at the nabob's cost is curious. He is generally in arrears to the Company. Here the governor, being cash-keeper, is generally on good terms with the banker, who manages matters thus: the governor presses the nabob for the balance due from him; the nabob flies to his banker for relief; the banker engages to pay the money, and grants his notes accordingly, which he puts in the cash-book as ready money; the nabob pays him an interest for it at 2 and 3 per cent. per mensem, till the tuncaws he grants on the particular districts for it are paid. Matters in the mean time are so managed, that there is no call for this money for the Company's service till the tuncaws become due. By this means not a cash is advanced by the banker, though he receives a heavy interest from the nabob, which is divided as lawful spoil."

Here, Mr. Speaker, you have the whole art and mystery, the true free-mason secret of the profession of soucaring; by which a few innocent, inexperienced young Englishmen, such as Mr. Paul Benfield, for instance, without property upon which any one would lend to themselves a single shilling, are enabled at once to take provinces in mortgage, to make princes their debtors, and to become creditors for millions.

But it seems the right honourable gentleman's favourite soucar cavalry have proved the payment before the mayor's court at Madras! Have they so? Why then defraud our anxiety and their characters of that proof? Is it not enough that the charges which I have laid before you have stood on record against these poor injured gentlemen for eight years? Is it not enough that they are in print by the orders of the East India Company for five years? After these gentlemen have borne all the odium of this

publication, and all the indignation of the directors, with such unexampled equanimity, now that they are at length stimulated into feeling, are you to deny them their just relief? But will the right honourable gentleman be pleased to tell us, how they came not to give this satisfaction to the court of directors, their lawful masters, during all the eight years of this litigated claim? Were they not bound, by every tie that can bind man, to give them this satisfaction? This day, for the first time, we hear of the proofs. But when were these proofs offered? In what cause? Who were the parties? Who inspected? Who contested this belated account? Let us see something to oppose to the body of record which appears against them. The mayor's court! the mayor's court! Pleasant! Does not the right honourable gentleman know, that the first corps of creditors (the creditors of 1767) stated it as a sort of hardship to them, that they could not have justice at Madras, from the impossibility of their supporting their claims in the mayor's court? Why? because, say they, the members of that court were themselves creditors, and therefore could not sit as judges*. Are we ripe to say that no creditor under similar circumstances was member of the court, when the payment which is the ground of this cavalry-debt was put in proof†? Nay, are we not in a manner compelled to conclude, that the court was so constituted, when we know there is scarcely a man in Madras, who has not some participation in these transactions? It is a shame to hear such proofs mentioned,

* Memorial from the creditors to the governor and council, 22d January, 1770.

† In the year 1778, Mr. James Call, one of the proprietors of this specific debt, was actually mayor. The only proof which appeared on the inquiry instituted in the general court of 1781 was an affidavit of the lenders themselves, deposing (what nobody ever denied) that they had engaged and agreed to pay — not that they had paid the sum of 160,000*l*. This was two years after the transaction; and the affidavit is made before George Proctor, mayor, an attorney for certain of the old creditors. Proceedings of the president and council of Fort St. George, 22d February, 1779.

instead of the honest vigorous scrutiny which the circumstances of such an affair so indispensably calls for.

But his majesty's ministers, indulgent enough to other scrutinies, have not been satisfied with authorizing the payment of this demand without such inquiry as the act has prescribed; but they have added the arrear of 12 per cent. interest, from the year 1777 to the year 1784, to make a new capital, raising thereby 160 to 294,000*l.* Then they charge a new 12 per cent. on the whole from that period, for a transaction, in which it will be a miracle if a single penny will be ever found really advanced from the private stock of the pretended creditors.

In this manner, and at such an interest, the ministers have thought proper to dispose of 294,000*l.* of the public revenues, for what is called the cavalry-loan. After dispatching this, the right honourable gentleman leads to battle his last grand division, the consolidated debt of 1777. But having exhausted all his panegyric on the two first, he has nothing at all to say in favour of the last. On the contrary, he admits that it was contracted in defiance of the Company's orders, without even the pretended sanction of any pretended representatives. Nobody, indeed, has yet been found hardy enough to stand forth avowedly in its defence. But it is little to the credit of the age, that what has not plausibility enough to find an advocate, has influence enough to obtain a protector. Could any man expect to find that protector any where? But what must every man think, when he finds that protector in the chairman of the committee of secrecy (Mr. Dundas), who had published to the House, and to the world, the facts that condemn these debts — the orders that forbid the incurring of them — the dreadful consequences which attended them. Even in his official letter, when he tramples on his parliamentary report, yet his general language is the same. Read the preface to this part of the ministerial arrangement, and you would imagine that this debt was to be crushed, with all the weight of indignation which could fall from a vigilant guardian of the public treasury, upon those who attempted to rob it. What must be felt by every man who has feel-

ing, when, after such a thundering preamble of condemnation, this debt is ordered to be paid without any sort of inquiry into its authenticity; without a single step taken to settle even the amount of the demand; without an attempt so much as to ascertain the real persons claiming a sum, which rises in the accounts from 1,300,000*l.* sterling to 2,400,000*l.* principal money; without an attempt made to ascertain the proprietors, of whom no list has ever yet been laid before the court of directors; of proprietors who are known to be in a collusive shuffle, by which they never appear to be the same in any two lists, handed about for their own particular purposes?

My right honourable friend who made you the motion, has sufficiently exposed the nature of this debt. He has stated to you that its own agents in the year 1781, in the arrangement they proposed to make at Calcutta, were satisfied to have 25 per cent. at once struck off from the capital of a great part of this debt; and prayed to have a provision made for this reduced principal, without any interest at all. This was an arrangement of their own, an arrangement made by those who best knew the true constitution of their own debt; who knew how little favour it merited*, and how little hopes they had to find any persons in authority abandoned enough to support it as it stood.

But what corrupt men, in the fond imaginations of a sanguine avarice, had not the confidence to propose, they have found a chancellor of the exchequer in England hardy enough to undertake for them. He has cheered their

* "No sense of the common danger, in case of a war, can prevail on him" (the nabob of Arcot) "to furnish the Company with what is absolutely necessary to assemble an army, though it is beyond a doubt, that money to a large amount is now hoarded up in his coffers at Chepauk; and tuncaws are granted to individuals, upon some of his most valuable countries, for payment of part of those debts which he has contracted, and which certainly will not bear inspection, as neither debtors nor creditors have ever had the confidence to submit the accounts to our examination, though they expressed a wish to consolidate the debts under the auspices of this government, agreeably to a plan they had formed." *Madras Consultations*, 20th July, 1778.

drooping spirits. He has thanked the speculators for not despairing of their commonwealth. He has told them they were too modest. He has replaced the 25 per cent. which, in order to lighten themselves, they had abandoned in their conscious terror. Instead of cutting off the interest, as they had themselves consented to do, with the fourth of the capital, he has added the whole growth of four years' usury of 12 per cent. to the first overgrown principal; and has again grafted on this meliorated stock a perpetual annuity of 6 per cent. to take place from the year 1781. Let no man hereafter talk of the decaying energies of nature. All the acts and monuments in the records of speculation; the consolidated corruption of ages; the patterns of exemplary plunder in the heroic times of Roman iniquity, never equalled the gigantic corruption of this single act. Never did Nero, in all the insolent prodigality of despotism, deal out to his prætorian guards a donation fit to be named with the largess showered down by the bounty of our chancellor of the exchequer on the faithful band of his Indian sepoy.

The right honourable gentleman (Mr. Dundas) lets you freely and voluntarily into the whole transaction. So perfectly has his conduct confounded his understanding, that he fairly tells you, that through the course of the whole business he has never conferred with any but the agents of the pretended creditors. After this, do you want more to establish a secret understanding with the parties? to fix, beyond a doubt, their collusion and participation in a common fraud? If this were not enough, he has furnished you with other presumptions that are not to be shaken. It is one of the known indications of guilt to stagger and prevaricate in a story; and to vary in the motives that are assigned to conduct. Try these ministers by this rule. In their official dispatch, they tell the presidency of Madras, that they have established the debt for two reasons; first, because the nabob (the party indebted) does not dispute it; secondly, because it is mischievous to keep it longer afloat; and that the payment of the European creditors will pro-

mote circulation in the country. These two motives (for the plainest reasons in the world) the right honourable gentleman has this day thought fit totally to abandon. In the first place, he rejects the authority of the nabob of Arcot. It would indeed be pleasant to see him adhere to this exploded testimony. He next, upon grounds equally solid, abandons the benefits of that circulation, which was to be produced by drawing out all the juices of the body. Laying aside, or forgetting these pretences of his dispatch, he has just now assumed a principle totally different, but to the full as extraordinary. He proceeds upon a supposition, that many of the claims may be fictitious. He then finds, that in a case where many valid and many fraudulent claims are blended together, the best course for their discrimination is indiscriminately to establish them all. He trusts (I suppose), as there may not be a fund sufficient for every description of creditors, that the best warranted claimants will exert themselves in bringing to light those debts which will not bear an inquiry. What he will not do himself, he is persuaded will be done by others; and for this purpose he leaves to any person a general power of excepting to the debt. This total change of language and prevarication in principle is enough, if it stood alone, to fix the presumption of unfair dealing. His dispatch assigns motives of policy, concord, trade, and circulation. His speech proclaims discord and litigations; and proposes, as the ultimate end, detection.

But he may shift his reasons, and wind, and turn as he will, confusion waits him at all his doubles. Who will undertake this detection? Will the nabob? But the right honourable gentleman has himself this moment told us, that no prince of the country can by any motive be prevailed upon to discover any fraud that is practised upon him by the Company's servants. He says what (with the exception of the complaint against the cavalry-loan) all the world knows to be true: and without that prince's concurrence, what evidence can be had of the fraud of any the smallest of these demands? The minister never authorized any per-

son to enter into his exchequer, and to search his records. Why then this shameful and insulting mockery of a pretended contest? Already contests for a preference have arisen among these rival bond creditors. Has not the Company itself struggled for a preference for years, without any attempt at detection of the nature of those debts with which they contended? Well is the nabob of Arcot attended to in the only specific complaint he has ever made. He complained of unfair dealing in the cavalry-loan. It is fixed upon him with interest on interest; and this loan is excepted from all power of litigation.

This day, and not before, the right honourable gentleman thinks that the general establishment of all claims is the surest way of laying open the fraud of some of them. In India this is a reach of deep policy. But what would be thought of this mode of acting on a demand upon the treasury in England? Instead of all this cunning, is there not one plain way open, that is, to put the burthen of the proof on those who make the demand? Ought not ministry to have said to the creditors, "The person who admits your debt stands excepted to as evidence; he stands charged as a collusive party, to hand over the public revenues to you for sinister purposes? You say, you have a demand of some millions on the Indian treasury; prove that you have acted by lawful authority; prove at least that your money has been *bonâ fide* advanced; entitle yourself to my protection, by the fairness and fulness of the communications you make." Did an honest creditor ever refuse that reasonable and honest test?

There is little doubt, that several individuals have been seduced by the purveyors to the nabob of Arcot, to put their money (perhaps the whole of honest and laborious earnings) into their hands, and that at such high interest, as, being condemned at law, leaves them at the mercy of the great managers whom they trusted. These seduced creditors are probably persons of no power or interest either in England or India, and may be just objects of compassion. By taking, in this arrangement, no measures

for discrimination and discovery, the fraudulent and the fair are in the first instance confounded in one mass. The subsequent selection and distribution is left to the nabob. With him the agents and instruments of his corruption, whom he sees to be omnipotent in England, and who may serve him in future, as they have done in times past, will have precedence, if not an exclusive preference. These leading interests domineer, and have always domineered, over the whole. By this arrangement, the persons seduced are made dependent on their seducers; honesty (comparative honesty at least) must become of the party of fraud, and must quit its proper character, and its just claims, to entitle itself to the alms of bribery and speculation.

But be these English creditors what they may, the creditors, most certainly not fraudulent, are the natives, who are numerous and wretched indeed: by exhausting the whole revenues of the Carnatic, nothing is left for them. They lent *bond fide*; in all probability they were even forced to lend, or to give goods and service for the nabob's obligations. They had no trusts to carry to his market. They had no faith of alliances to sell. They had no nations to betray to robbery and ruin. They had no lawful government seditiously to overturn; nor had they a governor [Lord Pigot] to whom it is owing that you exist in India, to deliver over to captivity, and to death, in a shameful prison.

These were the merits of the principal part of the debt of 1777, and the universally conceived causes of its growth; and thus the unhappy natives are deprived of every hope of payment for their real debts, to make provision for the arrears of unsatisfied bribery and treason. You see in this instance, that the presumption of guilt is not only no exception to the demands on the public treasury; but with these ministers it is a necessary condition to their support. But that you may not think this preference solely owing to their known contempt of the natives, who ought with every generous mind to claim their first charities; you will find the same rule religiously observed with Europeans too. Attend, Sir, to this decisive

case. Since the beginning of the war, besides arrears of every kind, a bond debt has been contracted at Madras, uncertain in its amount, but represented from 400,000*l.* to a million sterling. It stands only at the low interest of 8 per cent. Of the legal authority on which this debt was contracted, of its purposes for the very being of the state, of its publicity and fairness, no doubt has been entertained for a moment. For this debt, no sort of provision whatever has been made. It is rejected as an outcast, whilst the whole undissipated attention of the minister has been employed for the discharge of claims entitled to his favour by the merits we have seen.

I have endeavoured to find out, if possible, the amount of the whole of those demands, in order to see how much, supposing the country in a condition to furnish the fund, may remain to satisfy the public debt and the necessary establishments. But I have been foiled in my attempt. About one-fourth, that is about 220,000*l.* of the loan of 1767, remains unpaid. How much interest is in arrear, I could never discover; seven or eight years at least, which would make the whole of that debt about 396,000*l.* This stock, which the ministers in their instructions to the governor of Madras state as the least exceptionable, they have thought proper to distinguish by a marked severity, leaving it the only one, on which the interest is not added to the principal, to beget a new interest.

The cavalry-loan, by the operation of the same authority, is made up to 294,000*l.*, and this 294,000*l.*, made up of principal and interest, is crowned with a new interest of twelve per cent. What the grand loan, the bribery loan of 1777, may be, is amongst the deepest mysteries of state. It is probably the first debt ever assuming the title of consolidation, that did not express what the amount of the sum consolidated was. It is little less than a contradiction in terms. In the debt of the year 1767, the sum was stated in the act of consolidation, and made to amount to 880,000*l.* capital. When this consolidation of 1777 was first announced at the Durbar, it was represented authentically at

2,400,000*l.*. In that, or rather in a higher state, Sir Thomas Rumbold found and condemned it*. It afterwards fell into such a terror, as to sweat away a million of its weight at once; and it sunk to 1,400,000*l.*† However it never was without a resource for recruiting it to its old plumpness. There was a sort of floating debt of about 4 or 500,000*l.* more ready to be added, as occasion should require.

In short, when you pressed this sensitive plant, it always contracted its dimensions. When the rude hand of inquiry was withdrawn, it expanded in all the luxuriant vigour of its original vegetation. In the treaty of 1781, the whole of the nabob's debt to private Europeans is by Mr. Sullivan, agent to the nabob and his creditors, stated at 2,800,000*l.* which (if the cavalry-loan, and the remains of the debt of 1767, be subtracted) leaves it nearly at the amount originally declared at the Durbar, in 1777. But

* In Sir Thomas Rumbold's letter to the court of directors, March 15. 1778, he represents it as higher, in the following manner:—"How shall I paint to you my astonishment on my arrival here, when I was informed that, independent of this four lacks of pagodas (the cavalry-loan), independent of the nabob's debt to his old creditors, and the money due to the Company, he had contracted a debt to the enormous amount of 63 lacks of pagodas (2,520,000*l.*). I mention this circumstance to you with horror; for the creditors being in general servants of the Company, renders my task on the part of the Company difficult and invidious."—"I have freed the sanction of this government from so corrupt a transaction. It is in my mind the most venal of all proceedings, to give the Company's protection to debts that cannot bear the light; and though it appears exceedingly alarming, that a country, on which you are to depend for resources, should be so involved, as to be nearly three years' revenue in debt: in a country too, where one year's revenue can never be called secure, by men who know any thing of the politics of this part of India."—"I think it proper to mention to you, that although the nabob reports his private debt to amount to upwards of 60 lacks, yet I understand that it is not quite so much." Afterwards Sir T. Rumbold recommended this debt to the favourable attention of the Company, but without any sufficient reason for his change of disposition. However he went no further.

† Nabob's proposals, Nov. 25. 1778; and memorial of the creditors March 1. 1779.

then there is a private instruction to Mr. Sullivan, which it seems will reduce it again to the lower standard of 1,400,000*l*. Failing in all my attempts, by a direct account, to ascertain the extent of the capital claimed (where in all probability no capital was ever advanced), I endeavoured, if possible, to discover it by the interest which was to be paid. For that purpose, I looked to the several agreements for assigning the territories of the Carnatic to secure the principal and interest of this debt. In one of them * I found in a sort of postscript, by way of an additional remark (not in the body of the obligation), the debt represented at 1,400,000*l*. But when I computed the sums to be paid for interest by instalments in another paper, I found they produced an interest of two millions, at 12 per cent. and the assignment supposed, that if these instalments might exceed, they might also fall short of the real provision for that interest.

Another instalment bond was afterwards granted. In that bond the interest exactly tallies with a capital of 1,400,000*l*. But pursuing this capital through the correspondence, I lost sight of it again, and it was asserted that this instalment bond was considerably short of the interest that ought to be computed to the time mentioned. Here are, therefore, two statements of equal authority, differing at least a million from each other; and as neither persons claiming, nor any special sum as belonging to each particular claimant, is ascertained in the instruments of consolidation, or in the instalment bonds, a large scope was left to throw in any sums for any persons, as their merits in advancing the interest of that loan might require; a power was also left for reduction, in case a harder hand, or more scanty funds, might be found to require it. Stronger grounds for a presumption of fraud never appeared in any transaction. But the ministers, faithful to the plan of the interested persons, whom alone they thought

* Nabob's proposals to his new consolidated creditors, Nov. 25. 1778.

fit to confer with on this occasion, have ordered the payment of the whole mass of these unknown unliquidated sums, without an attempt to ascertain them. On this conduct, Sir, I leave you to make your own reflections.

It is impossible (at least I have found it impossible) to fix on the real amount of the pretended debts with which your ministers have thought proper to load the Carnatic. They are obscure; they shun inquiry; they are enormous. That is all you know of them. That you may judge what chance any honourable and useful end of government has for a provision that comes in for the leavings of these gluttonous demands, I must take it on myself to bring before you the real condition of that abused, insulted, racked, and ruined country; though in truth my mind revolts from it; though you will hear it with horror; and I confess I tremble when I think on these awful and confounding dispensations of Providence. I shall first trouble you with a few words as to the cause.

The great fortunes made in India in the beginnings of conquest, naturally excited an emulation in all the parts, and through the whole succession of the Company's service. But in the Company it gave rise to other sentiments. They did not find the new channels of acquisition flow with equal riches to them. On the contrary, the high flood-tide of private emolument was generally in the lowest ebb of their affairs. They began also to fear, that the fortune of war might take away what the fortune of war had given. Wars were accordingly discouraged by repeated injunctions and menaces; and that the servants might not be bribed into them by the native princes, they were strictly forbidden to take any money whatsoever from their hands. But vehement passion is ingenious in resources. The Company's servants were not only stimulated, but better instructed by the prohibition. They soon fell upon a contrivance which answered their purposes far better than the methods which were forbidden: though in this also they violated an ancient, but they thought, an abrogated order. They reversed their proceedings. Instead of receiving presents, they

made loans. Instead of carrying on wars in their own name, they contrived an authority, at once irresistible and irresponsible, in whose name they might ravage at pleasure; and being thus freed from all restraint, they indulged themselves in the most extravagant speculations of plunder. The cabal of creditors who have been the object of the late bountiful grant from his majesty's ministers, in order to possess themselves, under the name of creditors and assignees, of every country in India, as fast as it should be conquered, inspired into the mind of the nabob of Arcot (then a dependent on the Company of the humblest order) a scheme of the most wild and desperate ambition that I believe ever was admitted into the thoughts of a man so situated. First, they persuaded him to consider himself as a principal member in the political system of Europe. In the next place, they held out to him, and he readily imbibed, the idea of the general empire of Indostan. As a preliminary to this undertaking, they prevailed on him to propose a tripartite division of that vast country. One part to the Company; another to the Mahrattas; and the third to himself. To himself he reserved all the southern part of the great peninsula, comprehended under the general name of the Decan.

On this scheme of their servants, the Company was to appear in the Carnatic in no other light than as a contractor for the provision of armies, and the hire of mercenaries for his use, and under his direction. This disposition was to be secured by the nabob's putting himself under the guarantee of France, and by the means of that rival nation preventing the English for ever from assuming an equality, much less a superiority in the Carnatic. In pursuance of this treasonable project (treasonable on the part of the English), they extinguished the Company as a sovereign power in that part of India; they withdrew the Company's garrisons out of all the forts and strong holds of the Carnatic; they declined to receive the ambassadors from foreign courts, and remitted them to the nabob of Arcot; they fell upon and totally destroyed the oldest ally of the

Company, the king of Tanjore, and plundered the country to the amount of near five millions sterling; one after another, in the nabob's name, but with English force, they brought into a miserable servitude all the princes, and great independent nobility of a vast country*. In proportion to these treasons and violences, which ruined the people, the fund of the nabob's debt grew and flourished.

Among the victims to this magnificent plan of universal plunder, worthy of the heroic avarice of the projectors, you have all heard (and he has made himself to be well remembered) of an Indian chief called Hyder Ali Khan. This man possessed the western, as the Company under the name of the nabob of Arcot does the eastern division of the Carnatic. It was among the leading measures in the design of this cabal (according to their own emphatic language) to extirpate this Hyder Ali†. They declared the nabob of Arcot to be his sovereign, and himself to be a rebel, and publicly invested their instrument with the sovereignty of the kingdom of Mysore. But their victim was not of the passive kind. They were soon obliged to conclude a treaty of peace and close alliance with this rebel, at the gates of Madras. Both before and since this treaty, every principle of policy pointed out this power as a natural alliance; and on his part it was courted by every sort of amicable office. But the cabinet council of English creditors would not suffer their nabob of Arcot to sign the treaty, nor even to give to a prince, at least his equal, the

* "The principal object of the expedition is to get money from Tanjore to pay the nabob's debt; if a surplus, to be applied in discharge of the nabob's debts to his private creditors." Consultations, March 20. 1771; and for further lights, Consultations, 12th June, 1771. "We are alarmed, lest this debt to individuals should have been the real motive for the aggrandizement of Mahomed Ali (the nabob of Arcot), and that we are plunged into a war to put him in possession of the Mysore revenues for the discharge of the debt." Letter from the directors, March 17. 1769.

† Letter from the nabob, May 1st, 1768; and ditto, 24th April, 1770, 1st October; ditto, 16th Sept. 1772, 16th March, 1773.

ordinary titles of respect and courtesy *. From that time forward, a continued plot was carried on within the divan, black and white, of the nabob of Arcot, for the destruction of Hyder Ali. As to the outward members of the double, or rather treble government of Madras, which had signed the treaty, they were always prevented by some over-ruling influence (which they do not describe, but which cannot be misunderstood,) from performing what justice and interest combined so evidently to enforce.

When at length Hyder Ali found that he had to do with men who either would sign no convention, or whom no treaty and no signature could bind, and who were the determined enemies of human intercourse itself, he decreed to make the country possessed by these incorrigible and predestinated criminals a memorable example to mankind. He resolved, in the gloomy recesses of a mind capacious of such things, to leave the whole Carnatic an everlasting monument of vengeance, and to put perpetual desolation as a barrier between him and those, against whom the faith which holds the moral elements of the world together, was no protection. He became at length so confident of his force, so collected in his might, that he made no secret whatsoever of his dreadful resolution. Having terminated his disputes with every enemy, and every rival, who buried their mutual animosities in their common detestation against the creditors of the nabob of Arcot, he drew from every quarter whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation, into one black cloud, he hung for a while on the declivities of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which blackened all their horizon, it suddenly burst, and poured down the whole of its contents upon the plains of the Car-

* Letter from the presidency at Madras to the court of directors, 27th June, 1769.

natic. Then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of, were mercy to that new havoc. A storm of universal fire blasted every field, consumed every house, destroyed every temple. The miserable inhabitants flying from their flaming villages, in part were slaughtered; others, without regard to sex, to age, to the respect of rank, or sacredness of function, fathers torn from children, husbands from wives, enveloped in a whirlwind of cavalry, and amidst the goading spears of drivers, and the trampling of pursuing horses, were swept into captivity in an unknown and hostile land. Those who were able to evade this tempest, fled to the walled cities. But escaping from fire, sword, and exile, they fell into the jaws of famine.

The alms of the settlement, in this dreadful exigency, were certainly liberal; and all was done by charity that private charity could do; but it was a people in beggary; it was a nation which stretched out its hands for food. For months together these creatures of sufferance, whose very excess and luxury, in their most plenteous days, had fallen short of the allowance of our austere fasts, silent, patient, resigned, without sedition or disturbance, almost without complaint, perished by an hundred a day in the streets of Madras; every day seventy at least laid their bodies in the streets, or on the glacis of Tanjore, and expired of famine in the granary of India. I was going to awake your justice towards this unhappy part of our fellow-citizens, by bringing before you some of the circumstances of this plague of hunger. Of all the calamities which beset and waylay the life of man, this comes the nearest to our heart, and is that wherein the proudest of us all feels himself to be nothing more than he is: but I find myself unable to manage it with decorum; these details are of a species of horror so nauseous and disgusting; they are so degrading to the sufferers and to the hearers; they are so humiliating to human nature itself, that, on better thoughts, I find it more advisable

to throw a pal' over this hideous object, and to leave it to your general conceptions.

For eighteen months, without intermission, this destruction raged from the gates of Madras to the gates of Tanjore; and so completely did these masters in their art, Hyder Ali, and his more ferocious son, absolve themselves of their impious vow, that when the British armies traversed, as they did, the Carnatic for hundreds of miles in all directions, through the whole line of their march they did not see one man, not one woman, not one child, not one four-footed beast of any description whatever. One dead uniform silence reigned over the whole region. With the inconsiderable exceptions of the narrow vicinage of some few forts — I wish to be understood as speaking literally — I mean to produce to you more than three witnesses, above all exception, who will support this assertion in its full extent. That hurricane of war passed through every part of the central provinces of the Carnatic. Six or seven districts to the north and to the south (and these not wholly untouched) escaped the general ravage.

The Carnatic is a country not much inferior in extent to England. Figure to yourself, Mr. Speaker, the land in whose representative chair you sit; figure to yourself the form and fashion of your sweet and cheerful country from Thames to Trent, north and south, and from the Irish to the German sea east and west, emptied and embowelled (may God avert the omen of our crimes!) by so accomplished a desolation. Extend your imagination a little further, and then suppose your ministers taking a survey of this scene of waste and desolation; what would be your thoughts if you should be informed, that they were computing how much had been the amount of the excises, how much the customs, how much the land and malt tax, in order that they should charge (take it in the most favourable light) for public service, upon the relics of the satiated vengeance of relentless enemies, the whole of what England had yielded in the most exuberant seasons of peace and abundance? What would you call it? To call it

tyranny, sublimed into madness, would be too faint an image; yet this very madness is the principle upon which the ministers at your right hand have proceeded in their estimate of the revenues of the Carnatic, when they were providing not supply for the establishments of its protection, but rewards for the authors of its ruin.

Every day you are fatigued and disgusted with this cant, "the Carnatic is a country that will soon recover, and become instantly as prosperous as ever." They think they are talking to innocents, who will believe that by sowing of dragons' teeth, men may come up ready grown and ready armed. They who will give themselves the trouble of considering (for it requires no great reach of thought, no very profound knowledge) the manner in which mankind are increased, and countries cultivated, will regard all this raving as it ought to be regarded. In order that the people, after a long period of vexation and plunder, may be in a condition to maintain government, government must begin by maintaining them. Here the road to economy lies not through receipt, but through expence; and in that country nature has given no short cut to your object. Men must propagate, like other animals, by the mouth. Never did oppression light the nuptial torch; never did extortion and usury spread out the genial bed. Does any one of you think that England, so wasted, would, under such a nursing attendance, so rapidly and cheaply recover? But he is meanly acquainted with either England or India, who does not know that England would a thousand times sooner resume population, fertility, and what ought to be the ultimate secretion from both, revenue, than such a country as the Carnatic.

The Carnatic is not by the bounty of nature a fertile soil. The general size of its cattle is proof enough that it is much otherwise. It is some days since I moved, that a curious and interesting map, kept in the India-house, should be laid before you *. The India-house is not yet in readi-

* Mr. Barnard's map of the Jashire.

ness to send it; I have therefore brought down my own copy, and there it lies for the use of any gentleman who may think such a matter worthy of his attention. It is indeed a noble map, and of noble things; but it is decisive against the golden dreams and sanguine speculations of avarice run mad. In addition to what you know must be the case in every part of the world, (the necessity of a previous provision of habitation, seed, stock, capital,) that map will shew you, that the uses of the influences of Heaven itself, are in that country a work of art. The Carnatic is refreshed by few or no living brooks or running streams, and it has rain only at a season; but its product of rice exacts the use of water subject to perpetual command. This is the national bank of the Carnatic, on which it must have a perpetual credit, or it perishes irretrievably. For that reason, in the happier times of India, a number, almost incredible, of reservoirs have been made in chosen places throughout the whole country; they are formed for the greater part of mounds of earth and stones, with sluices of solid masonry; the whole constructed with admirable skill and labour, and maintained at a mighty charge. In the territory contained in that map alone, I have been at the trouble of reckoning the reservoirs, and they amount to upwards of eleven hundred, from the extent of two or three acres to five miles in circuit. From these reservoirs currents are occasionally drawn over the fields, and these watercourses again call for a considerable expence to keep them properly scoured and duly levelled. Taking the district in that map as a measure, there cannot be in the Carnatic and Tanjore fewer than ten thousand of these reservoirs of the larger and middling dimensions, to say nothing of those for domestic services, and the use of religious purification. These are not the enterprises of your power, nor in a style of magnificence suited to the taste of your minister. These are the monuments of real kings, who were the fathers of their people; testators to a posterity which they embraced as their own. These are the grand sepulchres built by ambition; but by the ambition of an insati-

able benevolence, which, not contented with reigning in the dispensation of happiness during the contracted term of human life, had strained, with all the reachings and graspings of a vivacious mind, to extend the dominion of their bounty beyond the limits of nature, and to perpetuate themselves through generations of generations, the guardians, the protectors, the nourishers of mankind.

Long before the late invasion, the persons who are objects of the grant of public money now before you, had so diverted the supply of the pious funds of culture and population, that every where the reservoirs were fallen into a miserable decay. But after those domestic enemies had provoked the entry of a cruel foreign foe into the country, he did not leave it, until his revenge had completed the destruction begun by their avarice. Few, very few indeed, of these magazines of water that are not either totally destroyed, or cut through with such gaps, as to require a serious attention and much cost to re-establish them, as the means of present subsistence to the people, and of future revenue to the state.

What, Sir, would a virtuous and enlightened ministry do on the view of the ruins of such works before them? On the view of such a chasm of desolation as that which yawned in the midst of those countries to the north and south, which still bore some vestiges of cultivation? They would have reduced all their most necessary establishments; they would have suspended the justest payments; they would have employed every shilling derived from the producing, to re-animate the powers of the unproductive parts. While they were performing this fundamental duty, whilst they were celebrating these mysteries of justice and humanity, they would have told the corps of fictitious creditors, whose crimes were their claims, that they must keep an awful distance; that they must silence their inauspicious tongues; that they must hold off their profane unhallowed paws from this holy work; they would have proclaimed with a voice that should make itself heard, that on every country the

first creditor is the plough; that this original, indefeasible claim supersedes every other demand.

This is what a wise and virtuous ministry would have done and said. This, therefore, is what our minister could never think of saying or doing. A ministry of another kind would have first improved the country, and have thus laid a solid foundation for future opulence and future force. But on this grand point of the restoration of the country, there is not one syllable to be found in the correspondence of our ministers, from the first to the last: they felt nothing for a land desolated by fire, sword, and famine; their sympathies took another direction; they were touched with pity for bribery, so long tormented with a fruitless itching of its palms; their bowels yearned for usury, that had long missed the harvest of its returning months*; they felt for speculation which had been for so many years raking in the dust of an empty treasury; they were melted into compassion for rapine and oppression, licking their dry, parched, unbloody jaws. These were the objects of their solicitude. These were the necessities for which they were studious to provide.

To state the country and its revenues in their real condition, and to provide for those fictitious claims, consistently with the support of an army and a civil establishment, would have been impossible; therefore the ministers are silent on that head, and rest themselves on the authority of Lord Macartney, who in a letter to the court of directors, written in the year 1781, speculating on what might be the result of a wise management of the countries assigned by the nabob of Arcot, rates the revenue as in time of peace, at twelve hundred thousand pounds a year, as he does those of the king of Tanjore (which had not been assigned) at four hundred and fifty. On this Lord Macartney grounds his calculations, and on this they choose to ground theirs. It was on this calculation that the ministry, in direct opposition to the remonstrances of the court of directors, have

* Interest is rated in India by the month.

compelled that miserable, enslaved body, to put their hands to an order for appropriating the enormous sum of 480,000*l.*, annually, as a fund for paying to their rebellious servants a debt contracted in defiance of their clearest and most positive injunctions.

The authority and information of Lord Macartney is held high on this occasion, though it is totally rejected in every other particular of this business. I believe I have the honour of being almost as old an acquaintance as any Lord Macartney has. A constant and unbroken friendship has subsisted between us from a very early period; and, I trust, he thinks, that as I respect his character, and in general admire his conduct, I am one of those who feel no common interest in his reputation. Yet I do not hesitate wholly to disallow the calculation of 1781, without any apprehension that I shall appear to distrust his veracity or his judgment. This peace-estimate of revenue was not grounded on the state of the Carnatic as it then, or as it had recently stood. It was a statement of former and better times. There is no doubt that a period did exist, when the large portion of the Carnatic held by the nabob of Arcot might be fairly reputed to produce a revenue to that, or to a greater amount. But the whole had so melted away by the slow and silent hostility of oppression and mismanagement, that the revenue, sinking with the prosperity of the country, had fallen to about 800,000*l.* a year, even before an enemy's horse had imprinted his hoof on the soil of the Carnatic. From that view, and independently of the decisive effects of the war which ensued, Sir Eyre Coote conceived that years must pass before the country could be restored to its former prosperity and production. It was that state of revenue (namely, the actual state before the war) which the directors have opposed to Lord Macartney's speculation. They refused to take the revenues for more than 800,000*l.* In this they are justified by Lord Macartney himself, who, in a subsequent letter, informs the court, that his sketch is a matter of speculation; it supposes the country restored to its ancient prosperity, and the revenue to be in a course of effective and

honest collection. If therefore the ministers have gone wrong, they were not deceived by Lord Macartney : they were deceived by no man. The estimate of the directors is nearly the very estimate furnished by the right honourable gentleman himself, and published to the world in one of the printed reports of his own committee ; but as soon as he obtained his power, he chose to abandon his account. No part of his official conduct can be defended on the ground of his parliamentary information.

In this clashing of accounts and estimates, ought not the ministry, if they wished to preserve even appearances, to have waited for information of the actual result of these speculations, before they laid a charge, and such a charge, not conditionally and eventually, but positively and authoritatively, upon a country which they all knew, and which one of them had registered on the records of this House, to be wasted beyond all example, by every oppression of an abusive government, and every ravage of a desolating war. But that you may discern in what manner they use the correspondence of office, and that thereby you may enter into the true spirit of the ministerial board of controul, I desire you, Mr. Speaker, to remark, that through their whole controversy with the court of directors, they do not so much as hint at their ever having seen any other paper from Lord Macartney, or any other estimate of revenue, than this of 1781. To this they hold. Here they take post ; here they entrench themselves.

When I first read this curious controversy between the ministerial board and the court of directors, common candour obliged me to attribute their tenacious adherence to the estimate of 1781 to a total ignorance of what had appeared upon the records. But the right honourable gentleman has chosen to come forward with an uncalled-for declaration ; he boastingly tells you, that he has seen, read, digested, compared every thing ; and that if he has sinned he has sinned with his eyes broad open. Since then the ministers will obstinately shut the gates of mercy on themselves, let them add to their crimes what aggravations they please.

They have then (since it must be so) wilfully and corruptly suppressed the information which they ought to have produced; and for the support of speculation, have made themselves guilty of spoliation and suppression of evidence. The paper I hold in my hand, which totally overturns (for the present at least) the estimate of 1781, they have no more taken notice of in their controversy with the court of directors than if it had no existence. It is the report made by a committee appointed at Madras, to manage the whole of the six countries assigned to the Company by the nabob of Arcot. This committee was wisely instituted by Lord Macartney, to remove from himself the suspicion of all improper management in so invidious a trust; and it seems to have been well chosen. This committee has made a comparative estimate of the only six districts which were in a condition to be let to farm. In one set of columns they state the gross and net produce of the districts as let by the nabob. To that statement they oppose the terms on which the same districts were rented for five years, under their authority. Under the nabob, the gross farm was so high as 570,000*l.* sterling. What was the clear produce? Why, no more than about 250,000*l.*, and this was the whole profit of the nabob's treasury, under his own management, of all the districts which were in a condition to be let to farm on the 27th of May, 1782. Lord Macartney's leases stipulated a gross produce of no more than about 530,000*l.*, but then the estimated net amount was nearly double the nabob's. It however did not then exceed 480,000*l.*; and Lord Macartney's commissioners take credit for an annual revenue amounting to this clear sum. Here is no speculation; here is no inaccurate account clandestinely obtained from those who might wish, and were enabled to deceive. It is the authorized recorded state of a real recent transaction. Here is not 1,200,000*l.*, not 800,000*l.* The whole revenue of the Carnatic yielded no more in May 1782 than 480,000*l.*; nearly the very precise sum which your minister, who is so careful of the public security, has carried from all descriptions of establish-

ment to form a fund for the private emolument of his creatures.

In this estimate, we see, as I have just observed, the nabob's farms rated so high as 570,000*l*. Hitherto all is well; but follow on to the effective net revenue: there the illusion vanishes; and you will not find nearly so much as half the produce. It is with reason therefore Lord Macartney invariably throughout the whole correspondence, qualifies all his views and expectations of revenue, and all his plans for its application, with this indispensable condition, that the management is not in the hands of the nabob of Arcot. Should that fatal measure take place, he has over and over again told you, that he has no prospect of realising any thing whatsoever for any public purpose. With these weighty declarations, confirmed by such a state of indisputable fact before them; what has been done by the chancellor of the exchequer and his accomplices? Shall I be believed? They have delivered over those very territories, on the keeping of which in the hands of the committee, the defence of our dominions, and what was more dear to them, possibly, their own job, depended: they have delivered back again without condition, without arrangement, without stipulation of any sort for the natives of any rank, the whole of those vast countries, to many of which he had no just claim, into the ruinous mismanagement of the nabob of Arcot. To crown all, according to their miserable practice whenever they do any thing transcendently absurd, they preface this their abdication of their trust, by a solemn declaration that they were not obliged to it by any principle of policy, or any demand of justice whatsoever.

I have stated to you the estimated produce of the territories of the Carnatic, in a condition to be farmed in 1782, according to the different managements into which they might fall; and this estimate the ministers have thought proper to suppress. Since that, two other accounts have been received. The first informs us, that there has been a recovery of what is called arrear, as well as of an im-

improvement of the revenue of one of the six provinces which were let in 1782*. It was brought about by making a new war. After some sharp actions, by the resolution and skill of Colonel Fullarton, several of the petty princes of the most southerly of the unwasted provinces were compelled to pay very heavy rents and tributes, who for a long time before had not paid any acknowledgment. After this reduction, by the care of Mr. Irwin, one of the committee, that province was divided into twelve farms. This operation raised the income of that particular province; the others remain as they were first farmed. So that instead of producing only their original rent of 480,000*l.* they netted in about two years and a quarter, 1,320,000*l.* sterling, which would be about 660,000*l.* a year, if the recovered arrear was not included. What deduction is to be made on account of that arrear I cannot determine, but certainly what would reduce the annual income considerably below the rate I have allowed. The second account received, is the letting of the wasted provinces of the Carnatic. This I understand is at a growing rent, which may or may not realize what it promises; but if it should answer, it will raise the whole, at some future time, to 1,200,000*l.*

You must here remark, Mr. Speaker, that this revenue is the produce of all the nabob's dominions. During the assignment, the nabob paid nothing, because the Company had all. Supposing the whole of the lately assigned territory to yield up to the most sanguine expectations of the right honourable gentleman; and suppose 1,200,000*l.* to be annually realized, (of which we actually know of no more than the realizing of 600,000*l.*), out of this you must deduct the subsidy and rent which the nabob paid before the assignment, namely, 340,000*l.* a year. This reduces back the revenue applicable to the new distribution made by his majesty's ministers, to about 800,000*l.* Of that sum five-eighths are by them surrendered to the debts. The remaining three are the only fund left for all the

* The province of Tinnevely.

purposes so magnificently displayed in the letter of the board of controul; that is, for a new-cast peace-establishment; a new fund for ordnance and fortifications; and a large allowance for what they call "the splendour of the Durbar."

You have heard the account of these territories as they stood in 1782. You have seen the actual receipt since the assignment in 1781, of which I reckon about two years and a quarter productive. I have stated to you the expectation from the wasted part. For realising all this you may value yourselves on the vigour and diligence of a governor and committee that have done so much. If these hopes from the committee are rational — remember that the committee is no more. Your ministers, who have formed their fund for these debts on the presumed effect of the committee's management, have put a complete end to that committee. Their acts are rescinded; their leases are broken; their renters are dispersed. Your ministers knew, when they signed the death-warrant of the Carnatic, that the nabob would not only turn all these unfortunate farmers of revenue out of employment, but that he has denounced his severest vengeance against them, for acting under British authority. With a knowledge of this disposition, a British chancellor of the exchequer, and treasurer of the navy, incited by no public advantage, impelled by no public necessity, in a strain of the most wanton perfidy which has ever stained the annals of mankind, have delivered over to plunder, imprisonment, exile, and death itself, according to the mercy of such execrable tyrants as Amir ul Omra and Paul Benfield, the unhappy and deluded souls, who, untaught by uniform example, were still weak enough to put their trust in English faith. They have gone farther; they have thought proper to mock and outrage their misery by ordering them protection and compensation. From what power is this protection to be derived? And from what fund is this compensation to arise? The revenues are delivered over to their oppressor; the territorial jurisdiction, from whence that revenue is to

arise, and under which they live, is surrendered to the same iron hands: and that they shall be deprived of all refuge, and all hope, the minister has made a solemn, voluntary declaration, that he never will interfere with the nabob's internal government.

The last thing considered by the board of controul among the debts of the Carnatic, was that arising to the East India Company, which, after the provision for the cavalry, and the consolidation of 1777, was to divide the residue of the fund of 480,000*l.* a year with the lenders of 1767. This debt, the worthy chairman, who sits opposite to me, contends to be three millions sterling. Lord Macartney's account of 1781, states it to be, at that period, 1,200,000*l.* The first account of the court of directors makes it 900,000*l.* This, like the private debt, being without any solid existence, is incapable of any distinct limits. Whatever its amount or its validity may be, one thing is clear; it is of the nature and quality of a public debt. In that light nothing is provided for it, but an eventual surplus to be divided with one class of the private demands, after satisfying the two first classes. Never was a more shameful postponing a public demand, which by the reason of the thing, and the uniform practice of all nations, supersedes every private claim. Those who gave this preference to private claims, consider the Company's as a lawful demand; else, why did they pretend to provide for it? On their own principles they are condemned.

But I, Sir, who profess to speak to your understanding and to your conscience, and to brush away from this business all false colours, all false appellations, as well as false facts, do positively deny that the Carnatic owes a shilling to the Company, whatever the Company may be indebted to that undone country. It owes nothing to the Company, for this plain and simple reason — the territory charged with the debt is their own. To say that their revenues fall short, and owe them money, is to say they are in debt to themselves, which is only talking nonsense. The fact is, that by the invasion of an enemy, and the ruin of the

country, the Company, either in its own name, or in the names of the nabob of Arcot and rajah of Tanjore, has lost for several years what it might have looked to receive from its own estate. If men were allowed to credit themselves upon such principles, any one might soon grow rich by this mode of accounting. A flood comes down upon a man's estate in the Bedford Level of 1,000*l.* a year, and drowns his rents for ten years. The chancellor would put that man into the hands of a trustee, who would gravely make up his books, and for this loss credit himself in his account for a debt due to him of 10,000*l.* It is, however, on this principle the Company makes up its demands on the Carnatic. In peace they go the full length, and indeed more than the full length, of what the people can bear for current establishments; then they are absurd enough to consolidate all the calamities of war into debts; to metamorphose the devastations of the country into demands upon its future production. What is this but to avow a resolution utterly to destroy their own country, and to force the people to pay for their sufferings, to a government which has proved unable to protect either the share of the husbandman or their own? In every lease of a farm, the invasion of an enemy, instead of forming a demand for arrear, is a release of rent; nor for that release is it at all necessary to show, that the invasion has left nothing to the occupier of the soil; though in the present case it would be too easy to prove that melancholy fact *. I therefore applauded my right honourable friend, who, when he canvassed the Company's accounts, as a preliminary to a bill that ought not to stand on falsehood of any kind, fixed his discerning eye, and his deciding hand, on these debts of the Company, from the nabob of Arcot and rajah of Tanjore, and at one stroke expunged them all, as utterly irrecoverable; he might have added as utterly unfounded.

* "It is certain that the incursion of a few of Hyder's horse into the Jaghire, in 1767, cost the Company upwards of pagodas 27,000, in allowances for damages." Consultations, February 11. 1771.

On these grounds I do not blame the arrangement this day in question, as a preference given to the debt of individuals over the Company's debt. In my eye it is no more than the preference of a fiction over a chimera; but I blame the preference given to those fictitious private debts over the standing defence and the standing government. It is there the public is robbed. It is robbed in its army; it is robbed in its civil administration; it is robbed in its credit; it is robbed in its investment which forms the commercial connexion between that country and Europe. There is the robbery.

But my principal objection lies a good deal deeper. That debt to the Company is the pretext under which all the other debts lurk and cover themselves. That debt forms the foul putrid mucus, in which are engendered the whole brood of creeping ascarides, all the endless involutions, the eternal knot, added to a knot of those inexpugnable tape-worms which devour the nutriment, and eat up the bowels of India. It is necessary, Sir, you should recollect two things: first, that the nabob's debt to the Company carries no interest. In the next place you will observe, that whenever the Company has occasion to borrow, she has always commanded whatever she thought fit at 8 per cent. Carrying in your mind these two facts, attend to the process with regard to the public and private debt, and with what little appearance of decency they play into each other's hands a game of utter perdition to the unhappy natives of India. The nabob falls into an arrear to the Company. The presidency presses for payment. The nabob's answer is, I have no money. Good. But there are soucars who will supply you on the mortgage of your territories. Then steps forward some Paul Benfield, and from his grateful compassion to the nabob, and his filial regard to the Company, he unlocks the treasures of his virtuous industry; and for a consideration of 24 or 36 per cent. on a mortgage of the territorial revenue, becomes security to the Company for the nabob's arrear.

All this intermediate usury thus becomes sanctified by the ultimate view to the Company's payment. In this case,

would not a plain man ask this plain question of the Company; if you know that the nabob must annually mortgage his territories to your servants to pay his annual arrear to you, why is not the assignment or mortgage made directly to the Company itself? By this simple obvious operation, the Company would be relieved and the debt paid, without the charge of a shilling interest to that prince. But if that course should be thought too indulgent, why do they not take that assignment with such interest to themselves as they pay to others, that is 8 per cent? Or if it were thought more advisable (why it should I know not) that he must borrow, why do not the Company lend their own credit to the nabob for their own payment? That credit would not be weakened by the collateral security of his territorial mortgage. The money might still be had at 8 per cent. Instead of any of these honest and obvious methods, the Company has for years kept up a show of disinterestedness and moderation, by suffering a debt to accumulate to them from the country powers without any interest at all; and at the same time have seen before their eyes, on a pretext of borrowing to pay that debt, the revenues of the country charged with an usury of 20, 24, 36, and even 48 per cent. with compound interest, for the benefit of their servants. All this time they know that by having a debt subsisting without any interest, which is to be paid by contracting a debt on the highest interest, they manifestly render it necessary to the nabob of Arcot to give the private demand a preference to the public; and by binding him and their servants together in a common cause, they enable him to form a party to the utter ruin of their own authority, and their own affairs. Thus their false moderation, and their affected purity, by the natural operation of every thing false, and every thing affected, becomes pander and bawd to the unbridled debauchery and licentious lewdness of usury and extortion.

In consequence of this double game, all the territorial revenues have, at one time or other, been covered by those locusts, the English soucars. Not one single foot of the

Carnatic has escaped them; a territory as large as England. During these operations what a scene has that country presented *! The usurious European assignee supersedes the nabob's native farmer of the revenue; the farmer flies to the nabob's presence to claim his bargain; whilst his servants murmur for wages, and his soldiers mutiny for pay. The mortgage to the European assignee is then resumed, and the native farmer replaced; replaced, again to be removed on the new clamour of the European assignee †. Every man of rank and landed fortune being long since extinguished, the remaining miserable last cultivator, who grows to the soil, after having his back scored by the farmer, has it again flayed by the whip of the assignee, and is thus by a ravenous, because a short-lived succession of claimants, lashed from oppressor to oppressor, whilst a single drop of blood is left as the means of extorting a single grain of corn. Do not think I paint. Far, very far from it; I do not reach the fact, nor approach to it. Men of respectable condition, men equal to your substantial English yeomen, are daily tied up and scourged to answer the multiplied demands of various contending and contradictory titles, all issuing from one and the same source. Tyrannous exaction brings on servile concealment; and

* For some part of these usurious transactions, see Consultation, 28th January, 1781; and for the nabob's excusing his oppressions on account of these debts, Consultation, 26th Nov. 1770. "Still I undertook, first, the payment of the money belonging to the Company, who are my kind friends, and by borrowing, and mortgaging my jewels, &c. by taking from every one of my servants, in proportion to their circumstances, by fresh severities also on my country, notwithstanding its distressed state, as you know." — The board's remark is as follows: after controverting some of the facts, they say, "That his countries are oppressed is most certain, but not from real necessity; his debts indeed have afforded him a constant pretence for using severities and cruel oppressions."

† See Consultation, 28th January, 1781, where it is asserted, and not denied, that the nabob's farmers of revenue seldom continue for three months together. From this the state of the country may be easily judged of.

that again calls forth tyrannous coercion. They move in a circle, mutually producing and produced; till at length nothing of humanity is left in the government, no trace of integrity, spirit, or manliness in the people, who drag out a precarious and degraded existence under this system of outrage upon human nature. Such is the effect of the establishment of a debt to the Company, as it has hitherto been managed, and as it ever will remain, until ideas are adopted totally different from those which prevail at this time.

Your worthy ministers, supporting what they are obliged to condemn, have thought fit to renew the Company's old order against contracting private debts in future. They begin by rewarding the violation of the ancient law; and then they gravely re-enact provisions, of which they have given bounties for the breach. This inconsistency has been well exposed by my right honourable friend who made this motion. But what will you say to their having gone the length of giving positive directions for contracting the debt which they positively forbid? I will explain myself. They order the nabob, out of the revenues of the Carnatic, to allot 480,000*l.* a-year, as a fund for the debts before us. For the punctual payment of this annuity, they order him to give soucar security. When a soucar, that is, a money-dealer, becomes security for any native prince, the course is, for the native prince to counter-secure the money-dealer, by making over to him in mortgage a portion of his territory, equal to the sum annually to be paid, with an interest of at least 24 per cent. The point fit for the House to know is, who are these soucars, to whom this security on the revenues in favour of the nabob's creditors is to be given? The majority of the House, unaccustomed to these transactions, will hear with astonishment, that these soucars are no other than the creditors themselves. The minister, not content with authorizing these transactions in a manner and to an extent unhop'd for by the rapacious expectations of usury itself, loads the broken back of the Indian revenues, in

favour of his worthy friends the soucars, with an additional 24 per cent. for being security to themselves for their own claims; for condescending to take the country in mortgage, to pay to themselves the fruits of their own extortions.

The interest to be paid for this security, according to the most moderate strain of soucar demand, comes to 118,000*l.* a-year, which added to the 480,000*l.* on which it is to accrue, will make the whole charge on account of these debts on the Carnatic revenues amount to 598,000*l.* a-year, as much as even a long peace will enable those revenues to produce. Can any one reflect for a moment on all those claims of debt, which the minister exhausts himself in contrivances to augment with new usuries, without lifting up his hands and eyes in astonishment of the impudence, both of the claim and of the adjudication? Services of some kind or other these servants of the Company must have done, so great and eminent, that the chancellor of the exchequer cannot think that all they have brought home is half enough. He halloos after them, "Gentlemen, you have forgot a large packet behind you, in your hurry; you have not sufficiently recovered yourselves; you ought to have, and you shall have, interest upon interest, upon a prohibited debt that is made up of interest upon interest. Even this is too little. I have thought of another character for you, by which you may add something to your gains; you shall be security to yourselves; and hence will arise a new usury, which shall efface the memory of all the usuries suggested to you by your own dull inventions."

I have done with the arrangement relative to the Carnatic. After this it is to little purpose to observe on what the ministers have done to Tanjore. Your ministers have not observed even form and ceremony in their outrageous and insulting robbery of that country, whose only crime has been, its early and constant adherence to the power of this, and the suffering of an uniform pillage in consequence of it. The debt of the Company from the rajah of

Tanjore, is just of the same stuff with that of the nabob of Arcot.

The subsidy from Tanjore, on the arrear of which this pretended debt (if any there be) has accrued to the Company, is not, like that paid by the nabob of Arcot, a compensation for vast countries obtained, augmented, and preserved for him; not the price of pillaged treasuries, ransacked houses, and plundered territories. It is a large grant, from a small kingdom not obtained by our arms; robbed, not protected by our power; a grant for which no equivalent was ever given, or pretended to be given. The right honourable gentleman, however, bears witness in his reports to the punctuality of the payments of this grant of bounty, or, if you please, of fear. It amounts to 160,000*l.* sterling net annual subsidy. He bears witness to a further grant of a town and port, with an annexed district of 30,000*l.* a-year, surrendered to the Company since the first donation. He has not borne witness, but the fact is, (he will not deny it,) that in the midst of war, and during the ruin and desolation of a considerable part of his territories, this prince made many very large payments. Notwithstanding these merits and services, the first regulation of ministry is to force from him a territory of an extent which they have not yet thought proper to ascertain, for a military peace-establishment, the particulars of which they have not yet been pleased to settle.

The next part of their arrangement is with regard to war. As confessedly this prince had no share in stirring up any of the former wars, so all future wars are completely out of his power; for he has no troops whatever, and is under a stipulation not so much as to correspond with any foreign state, except through the Company. Yet, in case the Company's servants should be again involved in war, or should think proper again to provoke any enemy, as in times past they have wantonly provoked all India, he is to be subjected to a new penalty. To what penalty?—Why, to no less than the confiscation of all his revenues. But this is to end with the war, and

they are to be faithfully returned?—Oh! no; nothing like it. The country is to remain under confiscation until all the debt which the Company shall think fit to incur in such war shall be discharged; that is to say, for ever. His sole comfort is to find his old enemy, the nabob of Arcot, placed in the very same condition.

The revenues of that miserable country were, before the invasion of Hyder, reduced to a gross annual receipt of 360,000*l*. From this receipt the subsidy I have just stated is taken. This again, by payments in advance, by extorting deposits of additional sums to a vast amount for the benefit of their soucars, and by an endless variety of other extortions, public and private, is loaded with a debt, the amount of which I never could ascertain, but which is large undoubtedly, generating an usury the most completely ruinous that probably was ever heard of; that is, 48 per cent. payable monthly, with compound interest.

Such is the state to which the Company's servants have reduced that country. Now come the reformers, restorers, and comforters of India. What have they done? In addition to all these tyrannous exactions with all these ruinous debts in their train, looking to one side of an agreement whilst they wilfully shut their eyes to the other, they withdraw from Tanjore all the benefits of the treaty of 1762, and they subject that nation to a perpetual tribute of 40,000*l*. a-year to the nabob of Arcot; a tribute never due, or pretended to be due to him, even when he appeared to be something; a tribute, as things now stand, not to a real potentate, but to a shadow, a dream, an incubus of oppression. After the Company has accepted in subsidy, in grant of territory, in remission of rent, as a compensation for their own protection, at least two hundred thousand pounds a-year, without discounting a shilling for that receipt, the ministers condemn this harassed nation to be tributary to a person who is himself, by their own arrangement, deprived of the right of war or peace; deprived of the power of the sword; forbid to keep up a single regiment of soldiers; and is therefore wholly dis-

abled from all protection of the country which is the object of the pretended tribute. Tribute hangs on the sword. It is an incident inseparable from real sovereign power. In the present case to suppose its existence, is as absurd as it is cruel and oppressive. And here, Mr. Speaker, you have a clear exemplification of the use of those false names, and false colours, which the gentlemen who have lately taken possession of India choose to lay on for the purpose of disguising their plan of oppression. The nabob of Arcot, and rajah of Tanjore, have, in truth and substance, no more than a merely civil authority, held in the most entire dependence on the Company. The nabob, without military, without federal capacity, is extinguished as a potentate; but then he is carefully kept alive as an independent and sovereign power, for the purpose of rapine and extortion; for the purpose of perpetuating the old intrigues, animosities, usuries, and corruptions.

It was not enough that this mockery of tribute was to be continued without the correspondent protection, or any of the stipulated equivalents, but ten years of arrear, to the amount of 400,000*l.* sterling, is added to all the debts to the Company, and to individuals, in order to create a new debt, to be paid (if at all possible to be paid in whole or in part) only by new usuries; and all this for the nabob of Arcot, or rather for Mr. Benfield, and the corps of the nabob's creditors and their soucars. Thus these miserable Indian princes are continued in their seats, for no other purpose than to render them in the first instance objects of every species of extortion; and in the second, to force them to become, for the sake of a momentary shadow of reduced authority, a sort of subordinate tyrants, the ruin and calamity, not the fathers and cherishers of their people.

But take this tribute only as a mere charge (without title, cause, or equivalent) on this people; what one step has been taken to furnish grounds for a just calculation and estimate of the proportion of the burthen and the ability?

None; not an attempt at it. They do not adapt the burthen to the strength; but they estimate the strength of the bearers by the burthen they impose. Then what care is taken to leave a fund sufficient to the future reproduction of the revenues that are to bear all these loads? Every one, but tolerably conversant in Indian affairs, must know that the existence of this little kingdom depends on its controul over the river Cavery. The benefits of heaven to any community ought never to be connected with political arrangements, or made to depend on the personal conduct of princes; in which the mistake, or error, or neglect, or distress, or passion of a moment on either side, may bring famine on millions, and ruin an innocent nation perhaps for ages. The means of the subsistence of mankind should be as immutable as the laws of nature, let power and dominion take what course they may. — Observe what has been done with regard to this important concern. The use of this river is indeed at length given to the rajah, and a power provided for its enjoyment at his own charge; but the means of furnishing that charge (and a mighty one it is) are wholly cut off. This use of the water, which ought to have no more connexion than clouds and rains, and sunshine, with the politics of the rajah, the nabob, or the Company, is expressly contrived as a means of enforcing demands and arrears of tribute. This horrid and unnatural instrument of extortion had been a distinguishing feature in the enormities of the Carnatic politics, that loudly called for reformation. But the food of a whole people is by the reformers of India conditioned on payments from its prince, at a moment that he is overpowered with a swarm of their demands, without regard to the ability of either prince or people. In fine, by opening an avenue to the irruption of the nabob of Arcot's creditors and *soucaris*, whom every man who did not fall in love with oppression and corruption, on an experience of the calamities they produced, would have raised wall before wall, and mound before mound, to keep from a possibility of entrance, a more destructive enemy than Hyder Ali is introduced into

that kingdom. By this part of their arrangement in which they establish a debt to the nabob of Arcot, in effect and substance, they deliver over Tanjore, bound hand and foot, to Paul Benfield, the old betrayer, insulter, oppressor, and scourge of a country, which has for years been an object of an unremitted, but unhappily an unequal struggle, between the bounties of Providence to renovate, and the wickedness of mankind to destroy.

The right honourable gentleman (Mr. Dundas) talks of his fairness in determining the territorial dispute between the nabob of Arcot and the prince of that country, when he superseded the determination of the directors, in whom the law had vested the decision of that controversy. He is in this just as feeble as he is in every other part. But it is not necessary to say a word in refutation of any part of his argument. The mode of the proceeding sufficiently speaks the spirit of it. It is enough to fix his character as a judge, that he never heard the directors in defence of their adjudication, nor either of the parties in support of their respective claims. It is sufficient for me, that he takes from the rajah of Tanjore by this pretended adjudication, or rather from his unhappy subjects, 40,000*l.* a year of his and their revenue, and leaves upon his and their shoulders all the charges that can be made on the part of the nabob, on the part of his creditors, and on the part of the Company, without so much as hearing him as to right or to ability. But what principally induces me to leave the affair of the territorial dispute between the nabob and the rajah to another day, is this, that both the parties being stripped of their all, it little signifies under which of their names the unhappy undone people are delivered over to the merciless soucars, the allies of that right honourable gentleman, and the chancellor of the exchequer. In them ends the account of this long dispute of the nabob of Arcot, and the rajah of Tanjore.

The right honourable gentleman is of opinion, that his judgment in this case can be censured by none, but those who seem to act as if they were paid agents to one of the

parties. What does he think of his court of directors? If they are paid by either of the parties, by which of them does he think they are paid? He knows that their decision has been directly contrary to his. Shall I believe that it does not enter into his heart to conceive, that any person can steadily and actively interest himself in the protection of the injured and oppressed, without being well paid for his service? I have taken notice of this sort of discourse some days ago, so far as it may be supposed to relate to me. I then contented myself, as I shall now do, with giving it a cold, though a very direct contradiction. Thus much I do from respect to truth. If I did more, it might be supposed by my anxiety to clear myself, that I had imbibed the ideas, which, for obvious reasons, the right honourable gentleman wishes to have received concerning all attempts to plead the cause of the natives of India, as if it were a disreputable employment. If he had not forgot, in his present occupation, every principle which ought to have guided him, and I hope did guide him, in his late profession, he would have known, that he who takes a fee for pleading the cause of distress against power, and manfully performs the duty he has assumed, receives an honourable recompence for a virtuous service. But if the right honourable gentleman will have no regard to fact in his insinuations, or to reason in his opinions, I wish him at least to consider, that if taking an earnest part with regard to the oppressions exercised in India, and with regard to this most oppressive case of Tanjore in particular, can ground a presumption of interested motives, he is himself the most mercenary man I know. His conduct indeed is such that he is on all occasions the standing testimony against himself. He it was that first called to that case the attention of the House: the reports of his own committee are ample and affecting upon that subject; and as many of us as have escaped his massacre, must remember the very pathetic picture he made of the sufferings of the Tanjore country, on the day when he moved the unwieldy code of his Indian resolutions. Has he not stated over

and over again in his reports, the ill treatment of the rajah of Tanjore, (a branch of the royal house of the Mahrattas, every injury to whom the Mahrattas felt as offered to themselves,) as a main cause of the alienation of that people from the British power? And does he now think, that to betray his principles, to contradict his declarations, and to become himself an active instrument in those oppressions which he had so tragically lamented, is the way to clear himself of having been actuated by a pecuniary interest, at the time when he chose to appear full of tenderness to that ruined nation?

The right honourable gentleman is fond of parading on the motives of others, and on his own. As to himself, he despises the imputations of those who suppose that any thing corrupt could influence him in this his unexampled liberality of the public treasure. I do not know that I am obliged to speak to the motives of ministry, in the arrangements they have made of the pretended debts of Arcot and Tanjore. If I prove fraud and collusion with regard to public money on those right honourable gentlemen, I am not obliged to assign their motives; because no good motives can be pleaded in favour of their conduct. Upon that case I stand; we are at issue; and I desire to go to trial. This, I am sure, is not loose railing, or mean insinuation, according to their low and degenerate fashion, when they make attacks on the measures of their adversaries. It is a regular and juridical course; and, unless I choose it, nothing can compel me to go further.

But since these unhappy gentlemen have dared to hold a lofty tone about their motives, and affect to despise suspicion, instead of being careful not to give cause for it, I shall beg leave to lay before you some general observations on what, I conceive, was their duty in so delicate a business. If I were worthy to suggest any line of prudence to that right honourable gentleman, I would tell him, that the way to avoid suspicion in the settlement of pecuniary transactions, in which great frauds have been very strongly presumed, is, to attend to these few plain principles:—

First, to hear all parties equally, and not the managers for the suspected claimants only; — not to proceed in the dark; but to act with as much publicity as possible; — not to precipitate decision — to be religious in following the rules prescribed in the commission under which we act: And, lastly, and above all, not to be fond of straining constructions, to force a jurisdiction, and to draw to ourselves the management of a trust in its nature invidious and obnoxious to suspicion, where the plainest letter of the law does not compel it. If these few plain rules are observed, no corruption ought to be suspected; if any of them are violated, suspicion will attach in proportion. If all of them are violated, a corrupt motive of some kind or other will not only be suspected, but must be violently presumed.

The persons in whose favour all these rules have been violated, and the conduct of ministers towards them, will naturally call for your consideration, and will serve to lead you through a series and combination of facts and characters, if I do not mistake, into the very inmost recesses of this mysterious business. You will then be in possession of all the materials on which the principles of sound jurisprudence will found, or will reject the presumption of corrupt motives; or if such motives are indicated, will point out to you of what particular nature the corruption is.

Our wonderful minister, as you all know, formed a new plan, a plan *insigne recens indictum ore alio*, a plan for supporting the freedom of our constitution by court intrigues, and for removing its corruptions by Indian delinquency. To carry that bold paradoxical design into execution, sufficient funds and apt instruments became necessary. You are perfectly sensible that a parliamentary reform occupies his thoughts day and night, as an essential member in this extraordinary project. In his anxious researches upon this subject, natural instinct, as well as sound policy, would direct his eyes, and settle his choice on Paul Benfield. Paul Benfield is the grand parliamentary reformer, the reformer to whom the whole choir of reformers bow, and to whom even the right honourable

gentleman himself must yield the palm : for what region in the empire, what city, what borough, what county, what tribunal, in this kingdom, is not full of his labours ? Others have been only speculators ; he is the grand practical reformer ; and whilst the chancellor of the exchequer pledges in vain the man and the minister, to increase the provincial members, Mr. Benfield has auspiciously and practically begun it. Leaving far behind him even Lord Camelford's generous design of bestowing Old Sarum on the bank of England, Mr. Benfield has thrown in the borough of Cricklade to reinforce the county representation. Not content with this, in order to station a steady phalanx for all future reforms, this public-spirited usurer, amidst his charitable toils for the relief of India, did not forget the poor rotten constitution of his native country. For her, he did not disdain to stoop to the trade of a wholesale upholsterer for this House, to furnish it, not with the faded tapestry figures of antiquated merit, such as decorate, and may reproach some other houses, but with real, solid, living patterns of true modern virtue. Paul Benfield made (reckoning himself) no fewer than eight members in the last parliament. What copious streams of pure blood must he not have transfused into the veins of the present !

But what is even more striking than the real services of this new-imported patriot, is his modesty. As soon as he had conferred this benefit on the constitution, he withdrew himself from our applause. He conceived that the duties of a member of parliament (which with the elect faithful, the true believers, the *Islam* of parliamentary reform, are of little or no merit, perhaps not much better than specious sins,) might be as well attended to in India as in England, and the means of reformation to parliament itself, be far better provided. Mr. Benfield was therefore no sooner elected, than he set off for Madras, and defrauded the longing eyes of parliament. We have never enjoyed in this House the luxury of beholding that minion of the human race, and contemplating that visage, which has so long reflected the happiness of nations.

What then was he to do? In these pursuits, representative, his exact direction by which he gravitates some brought our minister into Benfield's agent and attorney; and contractor (whom I name to honour) a name that will be well remembered in the records of this House, as long as the British treasury, as long as the monumental records of England shall endure.

This gentleman, Sir, acts as attorney for Mr. Paul Benfield. Every one who hears me, is well acquainted with the sacred friendship, and the steady mutual attachment that subsists between him and the present minister. As many members as chose to attend in the first session of this parliament, can best tell their own feelings at the scenes which were then acted. How much that honourable gentleman was consulted in the original frame and fabric of the bill, commonly called Mr. Pitt's India bill, is matter only of conjecture; though by no means difficult to divine. But the public was an indignant witness of the ostentation with which the measure was made his own, and the authority with which he brought up clause after clause, to stuff and fatten the rankness of that corrupt act. As fast as the clauses were brought up to the table they were accepted. No hesitation; no discussion. They were received by the new minister, not with approbation, but with implicit submission. The reformation may be estimated by seeing who was the reformer. Paul Benfield's associate and agent was held up to the world as legislator of Indostan. But it was necessary to authenticate the coalition between the men of intrigue in India, and the minister of intrigue in England, by a studied display of the power of this their connecting link. Every trust, every honour, every distinction, was to be heaped upon him. He was at once made a director of the India Company; made an

alderman of London; and to be made, if ministry could prevail (and I am sorry to say how near, how very near they were prevailing,) representative of the capital of this kingdom. But to secure his services against all risk, he was brought in for a ministerial borough. On his part, he was not wanting in zeal for the common cause. His advertisements shew his motives, and the merits upon which he stood. For your minister, this worn-out veteran submitted to enter into the dusty field of the London contest; and you all remember, that in the same virtuous cause he submitted to keep a sort of public office or counting-house, where the whole business of the last general election was managed. It was openly managed by the direct agent and attorney of Benfield. It was managed upon India principles, and for an Indian interest. This was the golden cup of abominations; this the chalice of the fornications of rapine, usury, and oppression, which was held out by the gorgeous eastern harlot; which so many of the people, so many of the nobles of this land had drained to the very dregs. Do you think that no reckoning was to follow this lewd debauch? that no payment was to be demanded for this riot of public drunkenness and national prostitution? Here! you have it here before you. The principal of the grand election manager must be indemnified; accordingly the claims of Benfield and his crew must be put above all inquiry.

For several years, Benfield appeared as the chief proprietor, as well as the chief agent, director and comptroller, of this system of debt. The worthy chairman of the Company has stated the claims of this single gentleman on the nabob of Arcot, as amounting to 500,000*l*.* Possibly at the time of the chairman's statement they might have been as high: 800,000*l*. had been mentioned some time before; and according to the practice of shifting the names of creditors in these transactions, and reducing or raising the debt itself at pleasure, I think it not impossible, that at

* Mr. Smith's protest.

one period, the name of Benfield might have stood before those frightful figures. But my best information goes to fix his share no higher than 400,000*l.* By the scheme of the present ministry for adding to the principal 12 per cent. from the year 1777 to the year 1781, 400,000*l.*, that smallest of the sums ever mentioned for Mr. Benfield, will form a capital of 592,000*l.* at 6 per cent. Thus, besides the arrears of three years, amounting to 106,500*l.* (which, as fast as received, may be legally lent out at 12 per cent.) Benfield has received by the ministerial grant before you, an annuity of 35,520*l.* a year, charged on the public revenues.

Our mirror of ministers of finance, did not think this enough for the services of such a friend as Benfield. He found that Lord Macartney, in order to frighten the court of directors from the project of obliging the nabob to give soucar security for his debt, assured them, that if they should take that step, Benfield would infallibly be the soucar; and would thereby become the entire master of the Carnatic. What Lord Macartney thought sufficient to deter the very agents and partakers with Benfield in his iniquities, was the inducement to the two right honourable gentlemen to order this very soucar security to be given, and to recall Benfield to the city of Madras, from the sort of decent exile, into which he had been relegated by Lord Macartney. You must therefore consider Benfield as soucar security for 480,000*l.* a year, which at 24 per cent. (supposing him contented with that profit) will, with the interest of his old debt, produce an annual income of 149,520*l.* a year.

Here is a specimen of the new and pure aristocracy created by the right honourable gentleman (Mr. Pitt) as the support of the crown and constitution, against the old, corrupt, refractory, natural interests of this kingdom; and this is the grand counterpoise against all odious coalitions of these interests. A single Benfield outweighs them all; a criminal, who long since ought to have fattened the region-kites with his offal, is, by his majesty's ministers,

enthroned in the government of a great kingdom, and enfeoffed with an estate, which in the comparison effaces the splendour of all the nobility of Europe. To bring a little more distinctly into view the true secret of this dark transaction, I beg you particularly to advert to the circumstances which I am going to place before you. The general corps of creditors, as well as Mr. Benfield himself, not looking well into futurity, nor presaging the minister of this day, thought it not expedient for their common interest, that such a name as his should stand at the head of their list. It was therefore agreed amongst them, that Mr. Benfield should disappear by making over his debt to Messrs. Taylor, Majendie, and Call, and should in return be secured by their bond. The debt thus exonerated of so great a weight of its odium, and otherwise reduced from its alarming bulk, the agents thought they might venture to print a list of the creditors. This was done for the first time in the year 1783, during the Duke of Portland's administration. In this list the name of Benfield was not to be seen. To this strong negative testimony was added the further testimony of the nabob of Arcot. That prince (or rather Mr. Benfield for him) writes to the court of directors a letter full of complaints and accusations against Lord Macartney, conveyed in such terms as were natural for one of Mr. Benfield's habits and education to employ. Amongst the rest he is made to complain of his lordship's endeavouring to prevent an intercourse of politeness and sentiment between him and Mr. Benfield; and to aggravate the affront, he expressly declares Mr. Benfield's visits to be only on account of respect and of gratitude, as no pecuniary transaction subsisted between them.

Such, for a considerable space of time, was the outward form of the loan of 1777, in which Mr. Benfield had no sort of concern. At length intelligence arrived at Madras, that this debt, which had always been renounced by the court of directors, was rather like to become the subject of something more like a criminal inquiry, than of any patronage or sanction from parliament. Every ship brought

account, one stronger than the other, of the prevalence of the determined enemies of the Indian system. The public revenues became an object desperate to the hopes of Mr. Benfield; he therefore resolved to fall upon his associates, and in violation of that faith which subsists among those who have abandoned all other, commences a suit in the mayor's court against Taylor, Majendie, and Call, for the bond given to him when he agreed to disappear for his own benefit, as well as that of the common concern. The assignees of his debt, who little expected the springing of this mine, even from such an engineer as Mr. Benfield, after recovering their first alarm, thought it best to take ground on the real state of the transaction. They divulged the whole mystery, and were prepared to plead that they had never received from Mr. Benfield any other consideration for the bond, than a transfer, in trust for himself, of his demand on the nabob of Arcot. An universal indignation arose against the perfidy of Mr. Benfield's proceeding; the event of the suit was looked upon as so certain, that Benfield was compelled to retreat as precipitately as he had advanced boldly; he gave up his bond, and was re-instated in his original demand, to wait the fortune of other claimants. At that time, and at Madras, this hope was dull indeed; but at home another scene was preparing.

It was long before any public account of this discovery at Madras had arrived in England, that the present minister and his board of controul thought fit to determine on the debt of 1777. The recorded proceedings at this time knew nothing of any debt to Benfield. There was his own testimony; there was the testimony of the list; there was the testimony of the nabob of Arcot against it. Yet such was the ministers' feeling of the true secret of this transaction, that they thought proper, in the teeth of all these testimonies, to give him licence to return to Madras. Here the ministers were under some embarrassment. Confounded between their resolution of rewarding the good services of Benfield's friends and asso-

ciates in England, and the shame of sending that notorious incendiary to the court of the nabob of Arcot, to renew his intrigues against the British government, at the time they authorize his return, they forbid him under the severest penalties, from any conversation with the nabob or his ministers; that is, they forbid his communication with the very person, on account of his dealings with whom they permit his return to that city. To overtop this contradiction, there is not a word restraining him from the freest intercourse with the nabob's second son, the real author of all that is done in the nabob's name; who, in conjunction with this very Benfield, has acquired an absolute dominion over that unhappy man, is able to persuade him to put his signature to whatever paper they please, and often without any communication of the contents. This management was detailed to them at full length, by Lord Macartney, and they cannot pretend ignorance of it.

I believe, after this exposure of facts, no man can entertain a doubt of the collusion of ministers with the corrupt interest of the delinquents in India. Whenever those in authority provide for the interest of any person, on the real but concealed state of his affairs, without regard to his avowed public and ostensible pretences, it must be presumed that they are in confederacy with him, because they act for him on the same fraudulent principles on which he acts for himself. It is plain, that the ministers were fully apprised of Benfield's real situation, which he had used means to conceal, whilst concealment answered his purposes. They were, or the person on whom they relied was, of the cabinet council of Benfield, in the very depth of all his mysteries. An honest magistrate compels men to abide by one story. An equitable judge would not hear of the claim of a man who had himself thought proper to renounce it. With such a judge his shuffling and prevarication would have damned his claims; such a judge never would have known but in order to animadvert upon proceedings of that character.

I have thus laid before you, Mr. Speaker, I think with

sufficient clearness, the connexion of the ministers with Mr. Atkinson at the general election ; I have laid open to you the connexion of Atkinson with Benfield ; I have shewn Benfield's employment of his wealth, in creating a parliamentary interest, to procure a ministerial protection ; I have set before your eyes his large concern in the debt, his practices to hide that concern from the public eye, and the liberal protection which he has received from the minister. If this chain of circumstances does not lead you necessarily to conclude that the minister has paid to the avarice of Benfield the services done by Benfield's connexions to his ambition, I do not know any thing short of the confession of the party that can persuade you of his guilt. Clandestine and collusive practice can only be traced by combination and comparison of circumstances. To reject such combination and comparison is to reject the only means of detecting fraud ; it is indeed to give it a patent and free licence to cheat with impunity.

I confine myself to the connexion of ministers, mediately or immediately, with only two persons concerned in this debt. How many others, who support their power and greatness within and without doors, are concerned originally, or by transfers of these debts, must be left to general opinion. I refer to the reports of the select committee for the proceedings of some of the agents in these affairs, and their attempts, at least, to furnish ministers with the means of buying general courts, and even whole parliaments, in the gross.

I know that the ministers will think it little less than acquittal, that they are not charged with having taken to themselves some part of the money of which they have made so liberal a donation to their partisans, though the charge may be indisputably fixed upon the corruption of their politics. For my part, I follow their crimes to that point to which legal presumptions and natural indications lead me, without considering what species of evil motive tends most to aggravate or to extenuate the guilt of their conduct. But if I am to speak my private sentiments, I

think that in a thousand cases for one it would be far less mischievous to the public, and full as little dishonourable to themselves, to be polluted with direct bribery, than thus to become a standing auxiliary to the oppression, usury, and peculation of multitudes, in order to obtain a corrupt support to their power. It is by bribing, not so often by being bribed, that wicked politicians bring ruin on mankind. Avarice is a rival to the pursuits of many. It finds a multitude of checks, and many opposers, in every walk of life. But the objects of ambition are for the few; and every person who aims at indirect profit, and therefore wants other protection than innocence and law, instead of its rival becomes its instrument. There is a natural allegiance and fealty due to this domineering paramount evil, from all the vassal vices, which acknowledge its superiority, and readily militate under its banners; and it is under that discipline alone that avarice is able to spread to any considerable extent, or to render itself a general public mischief. It is therefore no apology for ministers, that they have not been bought by the East India delinquents, but that they have only formed an alliance with them for screening each other from justice, according to the exigence of their several necessities. That they have done so is evident; and the junction of the power of office in England, with the abuse of authority in the East, has not only prevented even the appearance of redress to the grievances of India, but I wish it may not be found to have dulled, if not extinguished, the honour, the candour, the generosity, the good nature, which used formerly to characterise the people of England. I confess, I wish that some more feeling than I have yet observed for the sufferings of our fellow-creatures and fellow-subjects in that oppressed part of the world, had manifested itself in any one quarter of the kingdom, or in any one large description of men.

That these oppressions exist, is a fact no more denied, than it is resented as it ought to be. Much evil has been done in India under the British authority. What has been done to redress it? We are no longer surprised at

MR. PITT'S BILL FOR REFORMING THE PUBLIC OFFICES.

March 8.

IN addition to the different bills which had passed for the purpose of regulating the public offices of the kingdom, Mr. Pitt brought one in this session "for appointing commissioners to inquire into the fees, gratuities, perquisites, and emoluments, which are or lately have been received in the several public offices to be therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices." The opposition this measure encountered was considerable. After the motion for reading the bill a third time had been opposed by Mr. Sheridan, and supported by Mr. Pitt and the attorney-general,

Mr. BURKE rose and desired that Magna Charta might be referred to, and that part read which states that "*nemo liber homo capiatur vel imprisonetur*," &c. While it was reading, there was a laugh on the treasury-bench side of the House. Mr. Burke thereupon observed, that what he had desired to be read was, he believed, at this day regarded just in the same light as Chevy Chase, or any other old ballad — as fit only to be laughed at. It was, however, to him of serious importance, and he would shew that the present bill was a direct and violent contradiction to Magna Charta and the common law of the land. He proceeded to point out the clauses empowering the commissioners to call for persons and papers, as clauses that went an extraordinary length indeed; so far even as to force persons to criminate themselves. He enlarged upon this as an infringement of the liberty of the subject, which that House, as the guardian of the constitution, ought never to countenance. He took notice of Mr. Pitt's expression, that the aim of the bill was to inquire after and correct possible

abuses; a better phrase, he had never heard, nor one more truly applicable to the subject. Thus, he said, it was avowed that there was not any known existing necessity for the bill, but that it was produced with a view to hunt after one. He appealed to the feelings of the House, whether such unconstitutional powers as the bill would authorize the commissioners to exercise, ought to be trusted in any hands but upon the most pressing necessity. He animadverted also on that part of Mr. Pitt's speech, in which he had insinuated that former boards of treasury had been too proud and too lazy to do their duty. He declared he deemed pride and laziness two of the worst vices human nature could fall into. Pride made us arrogant and disdainful to all who differed from us in opinion, and laziness made us neglect our own duty, and push it off to be discharged by our deputies. The one led to high honours and large emoluments; the other made us disdain to merit either the one or the other, but induced us to revive the ancient practice of the Flagellants, not indeed to lay the lash upon our own backs, but upon the backs of those under us.

In the present bill there was, he said, an obvious tinge of the school in which the right honourable author had been bred. Most schools had their characteristics; thus the school of Venice was known by its colouring; the school of Raphael by its design; but the school he alluded to, was the school of large promise and little performance; the school where smiles and professions were dealt out liberally in the outset, but the issue was always a tyrannous exercise over menials and dependents, under pretence of great economy and great attention, but where the utmost probable produce from such oppressive stretches of power could be but inconsiderable. He called the bill a slander upon the whole official establishments of the kingdom, and said, it presumed the general prevalence of the grossest corruption and fraud, in every one of them. The public offices of Great Britain, he believed, were the best conducted, and the most free from affording real ground of

censure, of any in Europe. They made a part of the national reputation; and that House ought not to suffer them to be so foully slandered, as they were in that bill, which was clearly not a bill of use, but a bill of idle parade and ridiculous ostentation. It was a sample of doing nothing at all, when it was pretended that a great deal was done. He took notice of the vermin-abuses mentioned by Mr. Sheridan, and said, it was but too true, the right honourable gentleman opposite to him loved to hunt in holes and corners —

“ Mice and rats, and such small deer
Had been Tom's food for seven long year.”

But though the bill was a reptile crawling in the dirt, it would be found to bite hard, where the constitution ought not to be lacerated. He lamented that the invidious task of investigating the characters and qualifications of the three commissioners had fallen upon him; but he should do his duty, though he meant not to provoke any man's resentment. He then entered into a discussion of the separate characters of Sir John Dick, Mr. Molleson, and Mr. Baring, paid each of them the highest personal compliments, but gave his reasons for declaring all the three totally unqualified to execute the duties imposed on them by the bill. Mr. Burke returned to the point from whence he set out, and said, the bill was a direct violation of Magna Charta, the common law of the land, and the constitution.

The bill was read a third time and passed!

LANCASHIRE PETITION AGAINST THE COTTON TAX.

March 16.

THIS day Mr. Stanley presented a petition signed by 80,000 manufacturers in different parts of Lancashire, complaining of the tax imposed last year on the fustian and other cotton-manufactures, as absolutely ruinous to their trade; and of the introduction of excise officers into their houses. They stated, that without any benefit to the revenue, this tax would subject their manufactures to full 8 per cent. on the exportation, which would necessarily deprive them of the markets that they actually had, and drive their workmen to the necessity of emigrating to other countries. They added, that the admission of Irish fustians and cottons into England, was all that was wanting completely to annihilate the cotton trade of this country, by which so many thousands of industrious and useful subjects got their bread. The petition having been read by the clerk, Mr. Stanley moved, that it be referred on Monday next to a committee of the whole House. Mr. Pitt objected to Monday, and wished a later day to be appointed. Lord Beauchamp said, that the introduction of excise officers into the houses of manufacturers by the law for imposing a duty on cottons, had spread a great alarm through the country: the chamber of commerce of Birmingham had caused circular letters to be sent to all the manufacturing towns in the neighbourhood, to invite them to withstand, what they conceived to be a fixed plan, to introduce the excise laws by degrees into all private houses. Mr. Rose was surprised, that a mere extension could be thought by any man an introduction of a precedent.

Mr. BURKE said, that the consideration of the petition ought not to be deferred longer than Monday. Nothing was more dangerous to manufacturers and to morals, than to have large bodies of men, who were able to work, supported by public charity; alms begat idleness, idleness led to crimes, and crimes were the proofs of the destruction of

morality. He was astonished to hear an honourable member express his surprise, that an extension could be thought by any means introductory of a precedent. Now, for his part, he was more alarmed at this mode of reasoning than the honourable gentleman might expect; for it led to this — something as yet unprecedented must be done; and when once done, it became a precedent on which many others were founded; and upon the strength of this first introduction, the precedent was extended, step by step, and repeated so frequently, that the principle was at last worn out and forgotten: so that in argument it would be no longer said, the principle was good, but it would be urged, that it was the common practice, and therefore nothing was to be apprehended from it. Thus, if the excise-man was once permitted to set one foot in a house, he was sure afterwards to drag in the other, and so at last introduce his whole body. Mr. Burke concluded with an expression of a man, who, from the place where he was then speaking, had declared that the cyder-tax ought not to be imposed, ‘*because it established a dangerous precedent.*’* This expression, he said, would have weight with many gentlemen; but particularly with the chancellor of the exchequer, when he should inform them, that it had been used by the late Earl of Chatham.

The petition was ordered to be taken into consideration on Monday.

* See New Parliamentary History, vol. xv. p. 1307.

CONVICTS UNDER SENTENCE OF TRANSPORTATION.

March 16.

MR. BURKE called the attention of the House to the melancholy situation under which those unfortunate people laboured who were sentenced to transportation. In a country which prided itself on the mild and indulgent principles of its laws, it should not be suffered that the situation of particular delinquents, instead of being meliorated by provisions dictated by clemency, should become infinitely more severe than if inflicted in the utmost rigour and severity of the laws. The number of convicts under this description was at present estimated at not less than 10,000. Every principle of justice and humanity required, that punishment should not be inflicted beyond those prescribed and defined to particular kinds of delinquency. But that principle received additional force, when it was considered, that these extraordinary severities were exercised under the appearance of mercy; that is to say, the culprits were remitted certain punishments by the mild spirit and principles of the English laws; and received, in commutation, others, infinitely more severe than the most rigid construction of the laws had, in the worst of cases, designed for them. There was, in the mode of punishing by transportation, no distinction made between trivial crimes, and those of greater enormity; all indiscriminately suffered the same miserable fate, however unequal their transgressions, or different their circumstances. Besides these considerations, some regard should, in such times of difficulty and distress as the present, be paid to frugality and economy. The business of transporting convicts, among other inconveniences, was attended with a very considerable expence. Instances of profuse expenditure were sometimes justifiable, when they had humanity and clemency for their object; but could never derive any

sanction from cruelty and inhumanity. He wished to know what was to be done with these unhappy wretches; and to what part of the world it was intended, by the minister, they should be sent. He hoped it was not to Gambia, which, though represented as a wholesome place, was the capital seat of plague, pestilence, and famine. The gates of hell were there open night and day to receive the victims of the law; but not those victims which either the letter, or the spirit of the law, had doomed to a punishment attended with certain death. This demanded the attention of the legislature. They should in their punishments remember, that the consequences of transportation were not meant to be deprivation of life; and yet in Gambia it might truly be said, that there all life dies, and all death lives. He should wish, as a preliminary to something being done on the subject, that the state of the prisons, so far as respected persons under sentence of transportation, were laid before the House; and this he thought would come best by several motions, which, if agreeable to the House, he should propose. Before he did this, he wished to know whether any contract had yet been entered into for sending these convicts to the coast of Africa. [He was answered, No.]

The Speaker remarked, that this motion came at somewhat too short a notice; whereupon Mr. Burke withdrew it for the present.

April 11.

This day Lord Beauchamp begged leave to remind the House of an order that had been made at an early part of the present session, and of which he was sorry to find no notice whatever had hitherto been taken. The order to which he alluded, was, that a report should be made to the House relative to the manner in which government intended to dispose of felons under sentence of transportation. He presumed the chancellor of the exchequer had not had leisure, from the

multiplicity of public affairs, to attend to an order of such great moment. He wished, however, that he would inform him, when he conceived a return might be expected to the ordinary question, as he intended to ground upon that return a motion, which he would submit to the House on a future day. Mr. Pitt admitted the importance of the subject, and stated as an excuse for the neglect of the order a very great hurry of public business; he would, however, take care that the return to it should be made with all possible dispatch. At the same time he thought the noble lord would do well, if he would make the House acquainted, at present, with the nature of the motion that he intended to propose on a future day. Lord Beauchamp replied, that as his motion would, in a great measure, depend on the nature of the return, he could not, until he should have seen that return, gratify the wish of the right honourable gentleman. Some motion, however, would be absolutely necessary. The transportation of felons had generally been to places within the dominions of his majesty; but, if report spoke truth, government had it in contemplation to send them to the coast of Africa, and to form a colony of them out of the British territories. This appeared to him a subject well worthy of inquiry.

Mr. BURKE said, that the design of sending the felons to Africa, was of a very serious nature. It would affect not only the present unfortunate wretches who were under sentence of transportation, but also future generations of convicts, if the idea of colonizing Africa with felons should be once adopted. He could not reconcile it with justice, that persons whom the rigour of the law had spared from death, should, after a mock display of mercy, be compelled to undergo it, by being sent to a country where they could not live, and where the manner of the death might be singularly horrid; so that the apparent mercy of transporting those wretched people to Africa, might with justice be called cruelty. The merciful gallows of England would rid them of their lives in a far less dreadful manner, than the climate or the savages of Africa would take them. — [Mr. Pitt interrupted Mr. Burke, by observing that he was assuming facts, without any better authority than report; he thought

therefore it would be more proper for the right honourable gentleman to wait till he should have seen the return called for by the noble lord.] Mr. Burke said, that though there was no question actually under discussion, he was not of opinion that, in any thing he had said, he had been out of order. The situation of the felons who were to be transported, called for immediate attention. He understood that seventy-five of them were now on board a ship, which might sail before morning, and the wind would soon carry them out of the reach of the interposition of parliament. He was now appealing to the minister for his interference. The king, by his coronation oath, had bound himself to execute judgment in mercy; and the right honourable gentleman was the trustee of his majesty's oath. There were at the moment that he was speaking, nests of pestilence in the country; the gaols were crowded beyond measure; there was a house in London, which consisted at this time of just 558 members; he did not mean the House of Commons (though the numbers were alike in both), but the gaol of Newgate: they attended in their places much more punctually than the members of the former; and reform in one would not be less agreeable than reform in the other. Pestilence might be the consequence of so many persons being crowded in one house; and the public safety, no less than a humane regard to the individuals in question, called for the interposition of parliament.

Here the business rested for this day.

MR. PITT'S MOTION FOR A REFORM OF THE REPRESENTATION OF THE PEOPLE IN PARLIAMENT.

April 18.

THE question of a reform in parliament was this day brought before the House by Mr. Pitt, who concluded a speech of considerable length with moving, "That leave be given to bring in a bill to amend the representation of the people of England in parliament." The plan which he proposed for this purpose, was to transfer the right of choosing representatives from thirty-six of such boroughs as had already, or were falling into decay, to the counties, and to such chief towns and cities as were at present unrepresented—That a fund should be provided, for the purpose of giving to the owners and holders of such boroughs disfranchised, an appreciated compensation for their property—That the taking this compensation should be a voluntary act of the proprietor, and if not taken at present, should be placed out at compound interest, until it became an irresistible bait to such proprietors. He also meant to extend the right of voting for knights of the shire to copyholders as well as freeholders. Such was the outline of Mr. Pitt's system. The motion was opposed by Mr. Powys, Lord North, Lord Mulgrave, Mr. Burke, Mr. Rolle, and Mr. Young; and supported by Mr. Duncombe, Mr. Wilberforce, Mr. Fox, the Attorney-General, Mr. Arden, Lord Frederick Campbell, and Mr. Dundas.

Mr. BURKE, after entertaining the House for a considerable time on the subject of Mr. Dundas's conversion from the principles of anti-reformation, proceeded to discuss the merits of the present question, as well as the manner of bringing it forward. It held out, he said, the alternative, either for the House to adopt this limited, confined plan of reform, or be perhaps liable to receive one from the Duke of Richmond, on a more enlarged scale. Between the minister and the House of Commons there appeared to be

the same line of conduct pursued, as if a robber were to enter the house of a man, and say, "Let me take away such things as I please, and I will lock the door and keep out any other thieves; but if you refuse the offer, then take your chance of losing all." The doctrine which had gained so much ground, and in conformity to which this plan had been now introduced, was that of universal representation. But this measure, he was convinced, was only an illusion, from which no solid benefit would ever result. The influence of the country gentlemen in parliament was always known to preponderate, when they were united in opinion. Mr. Burke took a very extensive view of the present state of our representation, and asked if the proprietors of boroughs had not been already sufficiently paid in the profusion of the honours of this country, without now opening the purse of the nation. He adverted to the conduct of the reverend Mr. Wyvill. He took particular notice of the variety and extent of the reverend gentleman's correspondence, which he said, was not confined to the chancellor of the exchequer, or to the volunteers of Ireland. Lord Shelburne and Mr. Macgrugar had not been forgotten; and other celebrated names had been handed down to posterity by this reforming divine. After reading several extracts from this correspondence, he proceeded to remark, that the right honourable gentleman who had formerly submitted to the House two plans for a more equal representation of the people, each of which was perfection itself, now came forward with a third, still more perfect than either of the former. He would allow that the present plan had many more palliatives in its composition than either of its brethren, for its operation was not likely to affect any of the members of the present parliament; and he could not sufficiently admire the address of the right honourable gentleman, in thus rendering his plan palatable to all parties. For his part, he considered the whole of it as a mere delusion, an *ignis fatuus*, calculated to mislead and to bewilder. He insisted that the right honourable gentleman had abandoned the ground on which he originally took up this question.

The House divided on Mr. Pitt's motion: Yeas 174: Noes 248. So it passed in the negative.

IRISH COMMERCIAL PROPOSITIONS.

May 19.

THE House having this day resolved itself into a committee to take into further consideration the Irish propositions, Mr. Pitt moved the third resolution: viz. "That towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties, if subject to duties, to which they are liable when imported directly from the place of their growth, product, or manufacture; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters, not imported from the British colonies in the West Indies or America, shall be fully drawn back on exportation to the other." The resolution having been opposed by Lord North, and supported by Mr. W. Grenville,

Mr. BURKE remarked, that the language held out by the right honourable gentleman who spoke last, at the close of his speech, reminded him of sentiments somewhat similar that had been delivered from the same bench some few years ago relative to the American war; but he hoped he had heard them this day under better auspices. When the American war was about to commence, the language of the House was, 'the supremacy of parliament must be maintained.' But alas, this supremacy was soon renounced, and revenue became the fashionable word; so that the pursuit after contribution had succeeded the pursuit after dominion. The supremacy of the parliament over Ireland.

had been renounced; but the idea of contribution followed closely at the heels of the renunciation of dominion. He hoped in God the conclusion of this business would not be like that of the contest with America! What had fallen from the right honourable gentleman who spoke last, made it necessary that he should ask the chancellor of the exchequer a question, relative to the fund from which this contribution was to arise. Though he was not pleased with the notion of making Ireland pay any tribute as a compensation for what we were to concede; yet, since she was to pay it, it would be well worth the while of the committee to be informed of the probable amount of that tribute. He wished to know, then, whether the hereditary revenue was to be separated from every other fund in Ireland, so that the charges of the public might not first exhaust this before any other was touched: and also, whether the expence of collecting was to be charged upon it, and deducted from it, before any disposable surplus could come out of it?

Mr. Pitt expressed his surprise, that Mr. Burke had been able to find any analogy between the contribution which might be expected from Ireland in consequence of the adjustment that was then under consideration, and the revenue which some gentlemen had had it for their object to raise in America. The question in the latter case was, whether men interested in alleviating the burthens of themselves and their constituents, should, by the supreme power of parliament, impose taxes upon persons whom they did not represent, and raise a revenue to be applied to the ease of England, without leaving to the Americans the right of ascertaining either the quantum of that revenue, or the mode of raising it? The contribution from Ireland was to be levied and granted, not by England, but by the very representatives of the people of Ireland; not for the purpose of easing the burthens of any part of the king's dominions, but to maintain the navy, by which the common interests of both England and Ireland were to be defended and supported. Could any man see any one feature in this case that resembled, in the least degree, the picture of the rise and progress of the American contest? He hoped the right honourable gentleman's comparison of two questions that had not a shadow of resemblance to each

other, would not be carried over to his native country without this reply to it ; or if it should, that the good sense and penetration of his countrymen would prevent them from thinking, that in the application of a surplus of the sinking fund to the defence of the common interests of both kingdoms, there was the most distant idea of making one pay tribute to the other. The hereditary revenue, he said, let it produce what it would, would be charged only with 656,000*l.* ; all above that would be applied to the use of the navy ; and the Irish parliament would of course add to the 656,000*l.* such other funds as should be sufficient for the different establishments both civil and military ; this revenue would, of course, be charged with the expences of collection.

Mr. BURKE replied, that the right honourable gentleman had dealt by him as he had done by Ireland, he had given a great deal more than had been asked. Mounted aloft on the shoulders of the right honourable gentleman on his right hand *, the chancellor of the exchequer seemed to stand in defiance of attacks, and, supported by that coalition, to brave every opposition. He envied not the statue its pedestal, nor the pedestal its statue. The right honourable gentleman had thought proper to remind him, that he was a native of Ireland. It was true he was an Irishman ; and he conceived much was due by every man to the place of his nativity, but that this duty ought not to absorb every other. When another country was generous enough to receive a man into her bosom, and raise him from nothing, — as this great country had raised him — to stations of honour and trust, and conferred upon him the power of doing good to millions, such a country had claims upon him not inferior to those of that which had given him birth. It behoved such a man to reconcile, if possible, the two duties : however, should they unfortunately point different ways, it was his bounden duty, either to return the trust reposed in him by the adopting country, or else con-

* Mr. Jenkinson.

sider its interests as paramount to every other upon earth. To consult the interests of England and Ireland, to unite and consolidate them into one, was a task he would undertake, as that by which he should best discharge the duties he owed to both. To Ireland, independence of legislature had been given; she was now a co-ordinate, though less powerful state: but pre-eminence and dignity were due to England; it was she alone that must bear the weight and burthen of empire; she alone must pour out the ocean of wealth necessary for the defence of it. Ireland and other parts might empty their little urns to swell the tide; they might wield their puny tridents; but the great trident that was to move the world, must be grasped by England alone—and dearly it cost her to hold it. Independence of legislature had been granted to Ireland; but no other independence could Great Britain give her without reversing the order and decree of nature. Ireland could not be separated from England; she could not exist without her; she must for ever remain under the protection of England, her guardian angel. From these principles, he trusted the committee would perceive, that in what he should say, he was influenced solely by the desire of promoting the joint interest of the two kingdoms.

Mr. Burke then returned to the hereditary revenue. He said that he should be sorry if it were to be so understood, that what was now to be done for Ireland should be conditional, viz. that there should be a surplus of the hereditary revenue, and that it should be applied towards the support of the navy; for he was very much afraid that no such surplus would ever exist, and he would state his reasons for this apprehension. The revenue, in the first place, did not produce at present above 630,000*l.* and when the expense of collecting, the amount of bounties, and drawbacks operating as bounties, should have been deducted, the remainder would be little more than 333,000*l.* Now, here was so little of a surplus, that there was a deficiency of 323,000*l.* which would be wanted, not to make a surplus, but to make 656,000*l.* the sum that must be applied to the support of

the establishments, before a farthing of surplus could be applied to the support of the navy. Was the right honourable gentleman ready to propose to the Irish parliament, to impose fresh taxes to the amount of 323,000*l.* a year? He was sure he was not, and that Ireland could not bear such an additional burthen. On what, then, did the right honourable gentleman found his hope of making the revenue equal to the demand upon it, and superior, too, if a surplus was to be expected? Why, on this — that the increase of trade would increase the hereditary revenue, and swell it to the size required. But a moment's consideration would show how delusive such a hope was. Most of the articles on which this revenue was raised could not possibly increase. The old hereditary customs, granted the year after the restoration of Charles II. had not produced more for half a century than they did at the time of the Revolution; tea was not known then, and therefore there was no tax upon it when the hereditary revenue was given to the crown: the inland excise had fallen off very much since the people ceased to drink beer and ale at their breakfast, and had fallen into the fashion of drinking tea. The crown and quit-rents could not possibly be raised one guinea higher; they produced now, as they always had produced, and always would continue to produce, 64,000*l.* and no more: there was, therefore, little hope that any surplus of the hereditary revenue would or could accrue.

He next turned his attention to the manufactures. Ireland, he observed, was not heavily taxed, and owed but a small debt: she had not many resources; but still, with economy, she could make an effort occasionally, that would give this country great relief. But England, on the other hand, was loaded with an enormous weight of debt and taxes: however, she had, in her trade and manufactures, the most astonishing resources: but should these once be taken from her, the immense load of debt would crush her to atoms; at least it would throw her from her rank among the nations around her, and not leave her wherewithal to defend either Ireland or herself. To take from her manu-

factures would be to deprive her of her resource, and to effect the ruin of the two kingdoms at once. Ireland, he said, was too prone to indulge in magnificence beyond her strength: she would wish to have dock-yards; she would have fortifications to defend them; she must purchase abroad every crooked, aye, and every straight stick necessary for the building of a frigate; she must have stores, and an immense train of artillery; and she would be completely a bankrupt before she could equip even five frigates. This country, after ages of commerce, was now in possession of what he might call an immense dead stock of stores and guns, purchased with an immensity of treasure: to her, then, would belong the care of fitting out fleets; it should be the business of Ireland to assist her in another way, and it was astonishing how much the latter might do by pursuing a rigid plan of economy. He was sorry to know, that at present, in time of profound peace, she was running in debt, her expences greatly exceeding her income; but he remembered, that in 1753, she had been able to pay off a considerable debt, and had besides a surplus of 260,000*l.* in her treasury: but, what was truly astonishing, and he had been a witness of it himself, so soon after as 1761, she was enabled, by her prudent system of economy, to keep an army of 24,000 in pay, of which 8,000 were sent by her to fight the battles of Great Britain abroad, whilst 16,000 remained in the kingdom for home defence: she also sent 33,000 recruits, her own natives, at her own expence, to fill up regiments in the British service, and spent above 600,000*l.* in Germany for the support of the war. This was an effort from which England had reaped the greatest advantage; and such might the future exertions of Ireland be in time of war, if she were to lay down a system of economy in time of peace.

The resolution was agreed to.

MR. BURKE'S ACCUSATION OF MR. HASTINGS.

February 17. 1786.

AT the opening of the session, in January 1786, Mr. Burke was called upon by Major Scott, the agent of the late governor-general of Bengal, to produce the criminal charges against Mr. Hastings in such a shape as might enable parliament to enter into a full discussion of his conduct, and come to a final decision upon it. Accordingly, this day Mr. Burke rose and requested that the Journals might be consulted for the 44th and 45th resolutions of the 28th of May, 1782. These were read, and are as follow :

“ That for the purpose of conveying entire conviction to the minds of the native princes, that to commence hostilities without just provocation against them, and to pursue schemes of conquest and extent of dominion, are measures repugnant to the wish, the honour, and the policy of this nation, the parliament of Great Britain should give some signal mark of its displeasure against those, in whatever degree entrusted with the charge of the East India Company's affairs, who shall appear wilfully to have adopted or countenanced a system tending to inspire a reasonable distrust of the moderation, justice, and good faith of the British nation.

“ That Warren Hastings, Esq. governor-general of Bengal, and William Hornsby, Esq. president of the council at Bombay, having, in sundry instances, acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company, it is the duty of the directors of the said Company to pursue all legal and effectual means for the removal of the said governor-general and president from their respective offices, and to recall them to Great Britain.”

Mr. BURKE now said, that it was not without considerable uneasiness he discovered that the task of introducing to the attention of the House the solemn and important business of the day was on the point of falling to his lot,

when (as all to whom he had the honour of addressing himself would allow) it might have been brought forward in the plenitude of weight and efficacy, by the right honourable member * whose propositions were the very basis of the resolutions; the contents of which had only in the preceding moment been recited. A party, of all others the most interested in the awful progress and ultimate result of any proceedings which might arise, had, with becoming dignity of character, called firmly on him to advance his charges; and so pointed was the nature of his invocation, that it rendered it impossible for him to evade the execution of his duty. Under these circumstances, most feelingly did he lament, that, as the unwelcome consequence of a devotion, caused partly by the natural demise of some, the political decease of others, and, in particular cases, a death to virtue and to principle, he should now remain nearly alone engaged in the attempt to keep the honour and the consistency of the House in their unsullied lustre, to impart vigour to its intentions, and to facilitate and fix the efficacy of a sentence, subsequent to the passing of which a period of four years had actually elapsed. On the present occasion, he trusted that, in common justice, he should not be considered in any other character than as the mere agent of the House, who, at the time to which he referred, had fixed upon Mr. Hastings as an object of their marked and formal accusation. His province, therefore, was subordinate, confining him within the necessary endeavour to accelerate the accomplishment of a point aimed at most indubitably by the House, and which ought, perhaps, much earlier to have been fulfilled. Whosoever acted under the sanction of the authority of the House might certainly without arrogance, assert a claim to its protection, as far at least as the word protection would bear to be interpreted as that candid and honourable construction of a procedure to which all, determined upon the purest and most un-

* Mr. Dundas.

available adherence to what they deemed a rectitude of conduct, were thoroughly entitled.

For the purpose of rendering the whole House — but more especially its newly elected members — possessed of a full idea concerning the nature of every preceding vote which bore affinity to the transactions in India, he must carry the recollection of those to whom he had the honour of addressing himself to matters of a remoter date; a review, during which, sensible of the impropriety of trespassing too long upon their attention, he should consult as much as possible a brevity in his descriptions. They might remember that, during the course of the year 1764, or, at least, near to that period, the East India Company dispatched Lord Clive to their settlements in that quarter, for the purpose of there becoming instrumental to the introduction and establishment of certain principles of government, then regarded as indispensably requisite for preserving, in less precarious security, and amidst the influence of a wiser policy, the territorial possessions of Great Britain. The successes of this noble lord surpassed even the sanguine expectations of those who were inclined to give him credit for achievements of the first importance; and with such astonishing rapidity did the extensive and rich domains of this almost completely vanquished region become appurtenances to our East India Company, that mankind were at a loss whether most to wonder at the sudden inundations of prosperity, or the at-once-accumulated riches which marked the brilliancy and vigour of its existence. From this æra did opulence bring forward one of its too customary and baneful effects, by throwing open all the channels of ungovernable corruption. The most enormous abuses were in a moment piled, each upon the other, till every spot of British territory in the East Indies became a shocking theatre of that variety of crimes to which the lust of avarice and ambition so frequently impels the worthless part of human kind. Disgrace became naturally interwoven with the commission of enormities; the honour of Englishmen not only lost its lustre, but received an ignominious stain; and

whilst the princes of the East considered with detestation the violent and unpardonable measures of the subjects of Great Britain, the states of Europe, with equal indications of abhorrence, adopted and dispersed their sentiments. When Lord Clive returned to England, it was deemed absolutely requisite to invest with the presidency of the council at Calcutta and the governorship of Bengal, some person to whom the principles of government in the East Indies, as arranged and consolidated into a system by the noble peer, were not barely intimately known, but perfectly congenial; and, doubtless, it was for this reason that Mr. Warren Hastings was removed from Madras to the government of Bengal.

In this train, the tendency of which was obvious, affairs proceeded, until the parliament, grown sensible of the necessity of scrutinizing their merits by the most serious and ample investigations, threw open and continued their inquiries concerning the actual state, whether upon a general or a particular ground, of the Company in the East Indies. From one period to another, several committees were appointed, and various proceedings took place in consequence of their reports. At last, during a moment, which was the dreadful prelude to one of the bitterest and most disgraceful to the nation, the war against America burst forth; yet, even through the continuation of hostilities — upon our side, at once frantic and ineffectual — the situation of affairs in the East Indies, far from having been forgotten, became a frequent object of the close attention of the House of Commons, who, in the year 1781, thought fit to establish, in two separate and totally distinct departments, a secret and a select committee. A right honourable gentleman (Mr. Dundas) was, upon this occasion, placed at the head of the secret committee; and particularly from his investigations and propositions, had resulted a well-known string of resolutions, from amongst which, Mr. Burke said he had just selected one concerning Warren Hastings and William Hornby, esquires; a resolution not couched in terms which could suffer even the

slightest equivocal interpretation, but conveying against them, as powerfully as it was possible for words to point the meaning, the most direct accusation of negligence of duty, and of improper proceedings, throughout the course of their enjoyment of high official situations. Surely it was a theme for universal astonishment, that, when the right honourable gentleman had discovered, from an acute and indefatigable investigation of occurrences, that every tittle of this striking resolution was grounded upon the strong foundation of unanswerable truth, he should, with a degree of coldness almost approaching to indifference, have remained contented with the inactive sequel of his great and arduous task, which, at its conclusion, (dissimilar, indeed, from its extraordinary and spirited beginning and procedure !) sunk into little more than a faint persuasion to the House to adopt and vote the resolution.

An honourable gentleman (General Smith) at present not enjoying a seat in that House, moved, on a former occasion, for the select committee, when another honourable gentleman, the secretary to the board of controul, seconded the motion : and, certainly, it would have appeared becoming in this honourable gentleman, if he had submitted the matter to the serious attention of the House, and not have left him (Mr. Burke) to engage in what was more peculiarly his own province. Of the select committee, Mr. Burke added, that he was an unworthy member ; but he could venture to assert, that although he, or even his associates, might have been outstripped by others in those vigorous and deeply scrutinizing powers of the mind, so greatly beneficial when it is necessary to unravel a vast and intricate combination of occurrences, at once important and alarming, yet no persons whatsoever could have exceeded them in zeal and assiduity. From the unabated attention manifested by the committees to every point submitted to their opinion, had arisen an immense and well-digested body of evidence, forming, indeed, a most voluminous pile of reports for the table of the House, but nevertheless highly interesting throughout every part of

its amazing bulk. That such absolutely was the case, could not, in fair argument, be disproved, even by a noble and learned lord (Thurlow) highly distinguished on account of the pre-eminence of his office, yet more an object of celebrity, as being in the full vigour of great influence, and extraordinary talents; nor less conspicuous as keeper of the royal conscience; in which exalted character he had thought proper to observe, in an august assembly, that the reports of this House, concerning the situation of affairs in the East Indies, were scarcely of more consideration than idle fables; thus treating them like the fanciful adventures of Robinson Crusoe, or the wild chimeras of romance writers. But neither wit nor ridicule, from howsoever brilliant or venerated a quarter they might proceed, could invalidate the nature and force of these reports; and, therefore, in defiance of either the keen severity of railery, at once unmerited and groundless, or the imposing plausibility of an insidious style of argument, he should rest his own particular accusation against Mr. Hastings, as a delinquent of the first magnitude, upon the united authority of the very heavy charges to which he stands exposed in these reports, and of the string of resolutions remaining upon the Journals, of the 28th of May, 1782; a matter which, coolly and impartially considered, must totally exempt him from the imputation of pressing more upon the attention of the House than they already had admitted and declared.

One striking proof that the Commons of Great Britain had not, amidst their investigations of the occurrences in the East Indies, proceeded with either precipitation or wantonness, or without the most deliberate and sound advice, and that their labours were entitled to very high regard, might fairly be deduced from the honourable manner in which, at the close of the session of 1782, the subject was recommended in a speech from the throne, as calling for the strictest parliamentary investigation. Nor did this example stand long alone. It was followed by a second, not less pointed and convincing, when, from the

same exalted quarter, expressions, particularly gracious were dropped, in favour of the progress made by the House, at the opening of the ensuing session, with respect to an examination into the nature of measures and occurrences in the East Indies. Having read to the House the extracts from the speeches in question, Mr. Burke remarked, that they ought to operate as an irresistible incitement to their following up the point, until they should have detected every various delinquency, and brought the criminal offenders to exemplary atonements.

In explanation of the process whereon he meant to enter with respect to Mr. Hastings, against whom, with a degree of warmth amounting to an appearance of defiance, he had been loudly called upon to advance his accusation, — and against whom he certainly should advance it, were the papers for which he meant to move thrown open to his inspection, — he must beg leave to remind the House, that three several examples of the mode of proceeding against state delinquents were on record; and that, according to the exigencies of particular cases, each had been at different periods adopted. The first was a direction to the attorney-general to prosecute. From this measure he must acknowledge himself totally averse, because he had reason to believe that the learned gentleman now filling that high official situation, to which his truly respectable character and professional abilities rendered him equal, in every sense of the expression, did not discover any zealous inclination to support the point in question, and bring it forward under the weight and sanction of his powers, to impress the House with a due sense of the measures which it behoved them to pursue in order to bring the delinquents to signal punishment. Nor, indeed, did he conceive that a trial by jury was, of all others, the most unexceptionable and best devised for the purpose of obtaining ample justice against an offender so great and elevated — if opulence, talents, and connexions could elevate — as the person whom he felt it his duty on this occasion to pursue. As little was he prepossessed in favour of an application to the

[Feb. 17.]

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 ... varying multitude of lesser causes of
 ... assault and battery, trespass and burglary,
 ... an innumerable tribe of different misde-
 ... contending, therefore, as he did, against the
 ... prosecuting through the attorney-general, against
 ... by jury, and against the institution of a suit in the
 ... court of king's bench, it might naturally be asked, whether
 ... he would wish to introduce a bill of pains and penalties,
 ... and to collect the evidence which such a mode might ren-
 ... der requisite? To this question he should not hesitate to
 ... reply, that the procedure must press, with the severity
 ... of injustice, upon the party prosecuted, and tarnish, in
 ... no slight degree, the character and honourable dignity of
 ... the House: of which the members would thus appear to
 ... present themselves a motley set, at one moment in the
 ... capacity of accusers, and at another moment in the de-
 ... ciding rank of judges: and, certainly, it appeared an act
 ... of violence to force a supposed criminal into an anticipation
 ... of his defence, and to order him to attend, together with
 ... his counsel, at the bar, for the purpose of stating, in the
 ... presence of an assembly, the members of which preposter-
 ... ously presided in the two-fold capacity of accusers and
 ... of judges, to what ground he meant to resort for proofs
 ... of his innocence, when required to enter upon his excul-
 ... pation in another place; the forms and rules of which,
 ... exacting evidence on oath, were more within the spirit of
 ... the customary practice of judicial trials.

His invincible objection to a bill of pains and penalties would of course lead him to the proposition of another mode; and this, at once ancient and constitutional, was a procedure by a bill of impeachment: yet, even in the adoption of this measure, he would not endeavour to introduce the usual practice of first moving an immediate bill of impeachment, and next instituting a committee for the

purpose of discovering and arranging articles, in order that they might serve as its foundation; — a recourse which, in his humble opinion, carried with it an appearance of warmth and prejudice exceedingly repugnant to the justice, dignity, and honour of the House. With their permission, he should move for papers, from the contents of which he would endeavour to collect the several articles into their necessary points of view; and when these should, in the contemplation of the House, seem (as, without rancour, and, in the cool spirit of impartial justice, he could venture to intimate his belief that they would seem) charges of an atrocious nature, he then designed to move for an impeachment at the bar of the House of Lords. This grave and solemn measure would not only prove congenial with the weight and high authority of the representatives of the people of Great Britain, but most powerfully contribute to the attainment of all the awful and decisive consequences which could arise from justice.

On this occasion it was superfluous to dwell upon the indisputable necessity of acting with the most guarded caution and the coolest impartiality. In the very moment when an accuser brought his charges against another, was he, in a considerable degree, himself standing under a state of accusation. Conscious how religiously he was obliged to act upon the surest grounds, he chose the line of conduct to which he now alluded, persuaded that this, of all others, might be pursued, without the least danger of either plunging into error, encroaching upon the purity of law by violent oppression, or deviating, in any case, from that invariably equitable point to which the course of real justice perpetually ran. He lamented (but he felt it unavoidable) that the inquiry must become personal; nor was he now to learn, that if, in the present instance, the people of India could be permitted to make a choice, they would prefer a procedure, of which the result might discover the existence of peculation, yet not reveal the peculator; might bring into the face of day the proofs of scandalous corruption, yet hide equally, from all inquiring eyes, the cor-

ruptor and the corrupted; might make it manifest with what invincible fatality the torrent of outrageous vice broke down and dashed away each obstacle before it, yet kept the vicious individuals entirely concealed from human penetration; and, in a word, might imitate the verdict of a coroner — declare that murder had taken place, but add, that it was committed by persons unknown. For the purpose of tracing speculation to the speculator, corruption to the corruptor, and vice to the vicious, were the various committees employed from time to time in obedience to the votes and orders of the House; and the result was, that the committee, at which a spirited and truly irreproachable individual * presided during the course of three successive years, did (as well as two subsequent committees) declare, that it was impossible for the government in the East Indies to be foul, and the head of that government pure. Under all these circumstances, and keeping in his view the resolution of the House accusatory of Mr. Hastings, Mr. Burke declared that he should consider himself justified in all his succeeding motions, of which the first would be, “That there be laid before this House copies of all correspondence, since the month of January 1782, between Warren Hastings, Esq., late governor-general of Bengal, and the court of directors, as well before as since the return of the said governor-general, relative to the presents and other money privately received by the said governor-general.”

The motion was seconded by Mr. Windham, and supported by Mr. Fox; and was opposed principally by Mr. Dundas and Major Scott. In reply to what fell from these gentlemen,

Mr. BURKE said, that he never failed to preserve the utmost calmness of temper, if attacked merely by personalities; but he could not hear that the Rohillas were extirpated, and a whole people deprived of their existence,

* Mr. Gregory.

without considerable warmth and indignation. Doubtless, it was wrong; — it was a weakness in him to give way to his feelings upon such a trifling occasion, and he would endeavour to amend his fault. The honourable major, he said, had most certainly explained the matter of the Rohillas very curiously, and satisfactorily to the House. The Rohillas were strangers, and therefore they had no right to the country in which they lived. Undoubtedly, the English had a better right, and a clearer title; they were not strangers, but the aboriginal natives, men with swarthy complexions, children of the sun, and, from their infancy, possessors of the soil! This being the case, to be sure they did wisely to extirpate the Rohilla race, and extinguish a whole people! The honourable major's declaration, that he had refuted all his charges, and that if he made twice as many he would refute them also, reminded him of the gallant Bobadil in the play, "Twenty more! Kill them! — Twenty more! Kill them too!" The champion, doubtless, was invincible, or he would not have talked so valiantly. His threat was similar to a reply once published to a sermon on the 30th of January, and which was entitled, "A Reply to all the Sermons that ever have been, and to all that ever shall be preached on the 30th of January." As to his having omitted any of the evidence received by the select committee, the report in question had not been drawn up by him; but if it had, the fact might have been the same, as every committee, in drawing up their reports, enjoyed a right to exercise their own judgments, and insert or omit just as much of the evidence as they might think proper: but if there was cause for complaint, an opportunity would offer for urging it. As to his acting upon feelings of private enmity, he felt no malice against any man: if any lurked in his mind, it was unknown to him, and was a vice of disposition with which nature cursed him, and which he had neither yet discovered, nor, of course, subdued and eradicated. As to his having sent out writers to India, as a right honourable gentleman had asserted, what crime was there in that fact;

or how did it disqualify him from calling the conduct of Mr. Hastings in question? The misfortune was, that in truth, though he had lived so much in the world, and enjoyed so large a circle of acquaintance of all sorts and degrees, he never once had made a director, nor sent out, or procured to be sent out, a single writer to India; no, not one! The right honourable gentleman was, therefore, out in his conjecture. Again, the right honourable gentleman "knew him by his style," and had discovered him in the dispatches of the board of directors in 1783. What a miserable judge of style must the right honourable gentleman be, when it so happened, that he never had written a line in any one dispatch of the board of directors in the whole course of his life!

The question was put and carried; as were also motions for a variety of other papers. On Mr. Burke's moving, "That there be laid before this House copies of all other correspondence during the residence of John Bristow, Esq. together with the documents therewith transmitted from the province of Oude, and also the answers thereto, and of all proceedings relative to his conduct during the said residency, from the month of October, 1782," Mr. Pitt contended, that the motion went to the production of new matter, and must, if carried, stretch out the subject unnecessarily into a wider field. Mr. Dundas remarked, that it behoved Mr. Burke to explain the nature of every new point, in order to illustrate which, he might think it proper to call for papers. The Speaker now complained of illness; in consequence of which, the House adjourned.

February 20.

The adjourned debate being resumed,

MR. BURKE desired to acquaint the House, that, in order to obviate the imputation of prolixity, he would withdraw the last motion he had made on Friday, and substitute the following, "That there be laid before this House, copies or duplicates of all correspondence, minutes of the governor-general and members of the council, and instru-

tions relative to the state and condition of the country of Oude and its dependencies, and of the reigning family thereof, together with all charges made by the late governor-general of Bengal against the resident Middleton, and the assistant resident Johnson, and the resident Bristow, as well as all correspondence, minutes of the governor-general and members of the council, and instructions which may not be comprehended in the foregoing, relative to Almas Ali Kahn."

Mr. Dundas contended, that the reports of the select committee were not sufficiently decisive to warrant a determination of the House to prosecute Mr. Hastings criminally; and therefore he wished to be convinced how far the right honourable gentleman would insist on calling for a number of papers, without giving any precise idea to the House, how far those papers related to the subject of criminality which he intended to bring forward.

Mr. BURKE begged leave to remind the right honourable gentleman, that, in every criminal inquiry, the accuser, who, by becoming such, took upon himself the *onus probandi*, had a right to assume two things; of which the first was, that a supposition of guilt in a person who filled a station of consequence and honour, entitled the accuser to a hearing; and the next, that such documents, proofs, or papers, as the person accusing saw or esteemed necessary to support the charge which he undertook to bring on, ought to be free and accessible. A refusal must be attended with a double injustice. If the accuser wanted collateral or explanatory aid, he ought not to be denied it; for by such aid he could digest, explain, simplify, or methodize those facts of which he was in prior possession: or if, on the other hand, the grounds of accusation could be extenuated, if the severity of the charge could be abated, nay, annihilated, a denial of that opportunity to the accuser was an injustice to the accused. Were the hand of power to deny him such documents as he called for, he must then rest himself upon the sole conviction of having done his duty. He felt it a

heavy and painful task, that the burthen should have fallen to his lot, who was connected only with acquired power, the friends he had being such as those upon whom Heaven had bestowed some of the greatest talents which nature could possess; a concurrence of circumstances had rendered that task to him inevitable, and a collection of proof made it also upon him a duty. He had heard, and he was convinced of it, that he had to encounter some of the first weight and opulence of this country; he foresaw all this, and relying upon the justice of his cause, he would persevere. The people would not, he was informed, follow at his heels: this was a question which he never asked himself, or, at least, never put in competition with the awful sense which he entertained of that duty, which he owed to the interests of humanity. "He was not to be popular; the people of England would reject him in such a pursuit." In what pursuit? In the pursuit of the cause of humanity? What! for having taken up the cause of the injured and oppressed fellow-subjects of the people of England in India; for attempting to procure an atonement to Indian nations, who had been scourged by their iniquitous servants — was he to be unpopular? O! miserable public! Let him, then, remain the object of persecution, he entreated, and practise a lesson which he had learned in his earliest infancy, and which he would remember to his latest breath, "Blessed are they who are persecuted for justice sake, for they shall have their reward;" that reward which he should endeavour to enjoy a conscious possession of. And if those people who raised monuments to their benevolence, by providing asylums and receptacles for human misery, were justly ranked for such deeds amongst the benefactors to mankind, did not the man who pulled down tyranny, eradicated cruelty, and avenged the oppressed, deserve a title to the good opinion of his fellow-creatures? The downfall of the greatest empire which this world ever saw, had been universally agreed upon to have originated in the mal-administration of its provinces. Rome never felt within herself the seeds of decline, till corruption from foreign

misconduct impaired her vitals, and, as an elegant commentator upon the orations of Cicero observed, "*prevaricatione testimonii*," by prevarication of testimony, the inroads of corruption destroyed the political frame, and then were all things at stake. But even then, a man of the first family and connections and rank in the state, was brought to punishment. Verres, the governor of Sicily, was accused by Cicero for the mal-administration of the province committed to his care. The connections of the accused were some of the most splendid and opulent of Rome; among these were the Hortensii, and even the Metellii. It was not a party for or against government, it was the government itself which adopted the prosecution, and no less than one hundred and fifty days were granted to the accuser to collect the materials for his accusation, and that from a province so near as Sicily is to Italy; and the justice of the Roman senate allowed not only time for digesting the matter of the accusation, but also opened, without reserve, all the cabinets containing the documents for which the accuser called. Could it now be said that the cause of justice was in liberal hands, if documents which the accuser demanded were to be withheld? The business had reference to a country in a remote situation, from whence proofs had come in abundance; and the suppression of them was no argument against the veracity of the charge. The period had not long elapsed, since a certain right honourable gentleman, the Cicero of the age (Mr. Dundas), obtained the most ample intelligence of those miseries which prevailed in the East Indies. The right honourable gentleman brought forth a bill of pains and penalties against one of those characters whom the House considered as an object within its reach. How far he pursued the point, the world had seen; and yet the difficulties he had to encounter in the pursuit of his object, were totally removed by the concurrent disposition of every party with whom documents were deposited, necessary to accomplish his views. The right honourable gentleman had a willing administration, a body of India directors disposed to his purpose; and the

conclusion of the business was in the remembrance of every one.

Mr. Burke added, that for his own part, he only called for what the hand of power had no excuse for detaining. If the papers for which he asked, were necessary to his purpose, the detaining them was unfair; and those who detained them must either plead design, or ignorance of their purport; but whether to the purport or not, a refusal was unjustifiable; and if those who refused them were ignorant of their contents, they were guilty of neglect. Yet if, after all, the desolation of a province under a British government, a province which extended 53,000 square miles, the internal wealth of which was, according to every calculation, equal to eighteen millions sterling, at a period before it experienced those calamities which had rendered it an object fit to be abandoned; if the desolation and ruin of that province, with the oppression and destruction of its nobility, were not sufficient inducements with the House to grant him the papers for which he moved, and if no other ground would be esteemed sufficient but that of specifying his charges, although he knew that he was acting inconsistently with the established orders and practice of the House to comply with such a desire, yet for the sake of removing those objections calculated to impede the business he had undertaken, he would wave all that attachment to regularity, because it was his inclination to comply with the wishes of those who opposed him, in order to substantiate the truth as soon as possible.

Major Scott agreed with Mr. Burke, that the papers were necessary to be produced; and Mr. Pitt, after many professions of the most unbiassed impartiality, concurred with them; remarking at the same time, that it would be but fair and candid in the right honourable mover, to give the House some specific information of the subject matter of his charges, and to state the grounds and reasons for the production of such papers as he might think it necessary to call for in support of them.

Mr. Burke begged to assure the House, that should they call upon him to specify any of the charges, he would com-

ply: he thought himself in possession of such a volume of evidence, as would enforce conviction before the tribunal to which he intended to refer it; such evidence as neither influence nor connexion could withstand, nor corruption awe; nay, such as would cause the justice of this country to exert itself. Amidst a multitude of other enormities, it would appear, that the country of Oude had been desolated; the ladies of the royal family plundered; the nobility stripped of their property; armed soldiers quartered on the inhabitants to extort their property; and that many other crimes too deeply marked by violent barbarity, had been perpetrated, with the sanction, and under the direction of Mr. Hastings.

The motion was agreed to.

March 3.

MR. BURKE begged leave to submit to the most serious attention of the House, the subject of motions which had been made for papers relative to particular transactions in the East Indies. Upon this occasion, he considered it as his duty earnestly to repeat, that these motions were unavoidably requisite for the acquisition of papers which belonged to the whole body of charges, and without which it would prove impossible to go fully and fairly into the investigation of this important matter; he trusted, therefore, that no objection would arise against their being granted. He should make three motions, all, in a great measure, connected with each other. They went to the treaty of peace with the Mahrattas, and were for the purpose of bringing into evidence the proofs requisite to establish the charges against Mr. Hastings in that particular transaction. His first motion was, "That there be laid before this House, copies or duplicates of all papers relative to the last peace with the Mahrattas, or any demand made by the Mahrattas, concerning the cession or restoration of any

territories now in the possession of the Company, or its allies, or of the payment of any chout (or fourth-part of the revenues), or of any sum in lieu thereof, or concerning any payment of money, or loan, to any of the said Mahrattas, or paid since the 1st of January, 1779."

Mr. Dundas remarked, that as the contents of the papers moved for, must, if rendered public, occasion that matter to transpire which ought, from motives of policy, to remain a secret to all the powers of the East Indies, he was determined steadily to oppose so dangerous a proposition. He should take the liberty to aver, that the late peace in India had never become the object of complaint, but merited the applause of every man. The benefits arising from it were great. It had proved, in fact, the salvation of the British empire in Asia. That peace had broken one of the most powerful confederacies ever formed against our possessions there; and had it not been concluded in the manner in which Mr. Hastings so happily effected it, our power in that part of the world must certainly have experienced a total dissolution. It would be, he said, extremely improper to make public the plans by which this happy event was effected, seeing that they would lead to a discovery of the means by which the different powers were rendered jealous of each other, and of the intrigues by which the rajahs were induced to dissolve their league against the British empire.

Mr. BURKE contended, that the objections of the right honourable gentleman went not only to the first motion, but strongly and directly to the other two; and he was the more surprised at this opposition, when he contrasted his conduct in 1782 with his proceedings in 1786. The amazing change of opinion on the same subject carried to the mind a kind of astonishment, that, in so short a time, so great a difference of sentiment could have been effected. As to the arguments used by the right honourable gentleman, they went to this—that the papers could not be granted, because they would prove how and in what manner the different powers in India had been sacrificed to each other. These were not indeed the exact words, but they constituted the meaning to the full extent. Thus extraor-

dinary was the cause assigned for endeavouring to prevent the papers from appearing on the table of the House! But if the reasoning of the right honourable gentleman had any force, it struck down his strange position, that the papers ought not to be produced at all. If the right honourable gentleman meant to do Mr. Hastings a service in refusing to let these papers be laid on the table, he should have begun with establishing that there was no guilt in the transactions; that our allies were not betrayed; and that our engagements had all been fulfilled with the princes who had so strongly charged us with breaking them. It happened rather unfortunately for the right honourable gentleman, that his own words were the strongest testimony against his arguments.

It had been urged on a former day, that if the object of the present inquiry was to seek after crimes, the papers could not be granted; but that if a direct charge was made, there would not be any objection. That specific charge was now brought forward: it was committed in detail to writing; and if the right honourable gentleman wished to hear it, it should be read to him. Indeed, great part of it must be in the right honourable gentleman's recollection, if he turned to the report of that committee in which he once was so active a member. The matter was of too serious a nature to be dropped. It should be brought forward, if there was a possibility of obtaining justice in parliament. Indeed, the present objection to the motion for necessary papers carried with it an ill omen, and portended, that, in all matters of state, it would be impossible to bring high delinquents to an impartial trial, when ministers put a negative upon the evidence that was necessary to that purpose. As to the excuse which the right honourable gentleman made of the Malhratta peace being so salutary and so honourable, he denied the justice of the assertion, and declared that it was the direct contrary. It was to prove this, and to bring the charge directly home to Mr. Hastings, that the present motion was made. The charge was of a political nature: the crimes were political;

and therefore the politics of both countries were involved in the event. The objection of betraying politics was, therefore, frivolous, because the whole being of a political nature, it was impossible to come to the matter of fact without a knowledge of those very politics which it seemed to be the intention of ministers to conceal. As to the defence of, or rather the panegyric on, the conduct of Mr. Hastings, he should refer the right honourable gentleman to the forty-four resolutions which he had moved against that very Mr. Hastings. Six of those resolutions were now violated by the opposition of the very gentleman who proposed them, and without any other argument to support the change of opinion than the very curious one, that Mr. Hastings had made a good peace. What had the peace to do with the antecedent crimes? The right honourable gentleman stood pledged to do that which he now declared to be unsafe. What did all this amount to? What must the world think of the business? That we were a nation of thieves and robbers, afraid of inquiry into facts, and therefore stopping the progress of investigation, lest we might impeach each other, and the truth come out. It was, in a narrower point of view, laying the crimes of the individual upon the shoulders of parliament, and making the House of Commons answerable for that which alone belonged to Mr. Hastings.

If the right honourable gentleman meant really to be serious, it was his duty to step forward, and not only to assign reasons why the disclosure of the particulars respecting the Mahratta peace would give umbrage to the foreign powers, but to prove that the resolutions were in the least likely to force the government into the disgraceful act of betraying secrets which ought for ever to remain inviolable. The infidelity which the conclusion of the Mahratta war exemplified to our allies, the breach of treaties, and the forfeiture of solemn promises, were a part of the great charge against Mr. Hastings; but it would be impossible to substantiate that part, if government withheld the evidence. He specifically charged Mr. Hastings with

having betrayed the allies of this country, and with having given them up. The Mahratta peace contained perfidy, and was fraught with ingratitude and cruelty to those who ought to have been sheltered and protected by us. The difference between him and the right honourable gentleman was this: — He brought accusation — the right honourable gentleman pronounced a panegyric: the one advanced his charge upon proof — the other fled from it. There were three parties in this business. The House stood as the accuser, Mr. Hastings as the accused, and a third party was neuter. This latter was the minister. The prosecutor is in possession of the facts; but then there is a necessary evidence to testify to the truth of these facts, and that evidence is in possession of the neuter party, which neuter party being determined to keep it back, the consequence must be the acquittal of the culprit.

With respect to the danger which was to arise from making public these papers, if a negative proof to the contrary was allowed, he could fairly bring it home to the understanding of any gentleman, that no danger could possibly arise more than had already happened. There is not a manœuvre respecting the Mahratta peace, of which the powers in India are not already in complete possession; and the consequence is, that they have already combined against this country for the purpose of extirpating the British power in Asia. The sovereigns there are as well informed as any sovereigns in Europe: they have their intelligence regularly; they have their newspapers and their news-writers, and the best and most authentic intelligence of all the powers both in Europe and in India. The circumstance of the treachery used to the ranna of Gohud, of the breach of treaty with that unhappy prince, now driven from his territories, and a wanderer in the East, are well known — too well known to be concealed: that poor fugitive now holds up his hands, and implores the British parliament; he adjures them by their own consistency, by the faith of treaties, by the honour of their nation, to do him justice, to fulfil their promises, and to punish the man

who had caused that honour to be sacrificed, that faith of nations to be broken.

There was one thing which he wished the House seriously to consider — that the disaffections in India, by our breach of promise, and by other unpardonable crimes committed under the authority of the late governor-general, might, and, no doubt would, induce France to take an advantage of the most pernicious consequence to our eastern possessions. As to the concealment of transactions respecting the Mahratta peace, he should take the liberty to observe, that if they were to be a secret, they were only to be a secret to the House of Commons. The world was already in full possession of every matter which the right honourable gentleman with such caution wished to conceal; and if the House did not grant the papers now asked for, they would shut the door against the truth, and against a principal truth, which led to the most material evidence. The consistency of the right honourable gentleman throughout the whole of the transaction was admirable. He first, in the strongest terms which words could convey, reprobated the whole government of Mr. Hastings: then, on a change of politics, he came with a set-off against that which he had reprobated. The set-off was a panegyric on the Mahratta peace. He must beg, therefore, to bring to the right honourable gentleman's memory that to which he had then agreed to: it was to be found in No. 20. in the appendix to the tenth report. As to the ranna of Gohud, it was clear that in the treaty it was meant to desert him, although the promise of support was held out. The words were, "as long as he behaves with propriety;" and out of that prolific root constructions shot forth, which were his ruin; constructions which were a complete defeazance of treaty — a defeazance which proved that he was sacrificed — that he was given up — that he was betrayed under the security of a British promise. This conduct, he insisted, was such as disgraced us with the whole world. The eyes of Europe were upon us in the present proceedings. The conduct of Mr. Hastings was

well known, and justice, exemplary justice, was expected. What, then, would be the remarks of all mankind, when they heard, that the evidence in the possession of government, to bring that state criminal to justice, was withheld, because, forsooth, it would publish that which was already public; because it would make known that which was already no secret; because it would discover to the powers in India that system of politics with which they are already well acquainted? If, on the present occasion, the members of administration and their adherents should prevent the success of the motion, all the world would, with reason, consider the name and character of a British parliament as buried under indelible disgrace. In short, if the present motion were not granted, the refusal would disgrace the British parliament with the whole world.

The motion was most ably supported by Mr. Fox. It was opposed by Mr. Pitt on two grounds; first, that the treaty in question was a wise and salutary treaty, and had saved the British empire in Asia; and, secondly, that the production of the papers moved for would discover transactions relative to that peace, which ought to be kept a secret from the country powers in India, insomuch as it would disclose the means by which the several states that were confederated against England were made jealous of each other, and the intrigues by which they were induced to dissolve that confederacy.

Mr. BURKE remarked, that the chancellor of the exchequer, like a cautious warrior, instead of attacking the main body of the forces of his enemy, had remained satisfied with mere skirmishes and the pillaging of the stragglers in the rear. He said, he had by no means asserted the Gazette intelligence to be that on which the princes of India most relied for information; but he contended, that so complete was their knowledge of every circumstance relative to that peace, that what were made secrets of in the House of Commons, were matters of notoriety in India, and had been published in most of their papers. But the source of their intelligence was such

as could not fail them ; for the most enormous sums were expended in procuring spies, even in official situations in our settlements ; and, by comparing notes, they had fully discovered that treachery which our officers employed against them individually ; the consequence of which was, that they had now formed a league of an offensive nature against our settlements, which league would be most effectually opposed, by taking such measures here as would shew them that these offences, at least, were not to have the sanction of the parliament of Great Britain. Mr. Burke expressed his hopes, that as he had undertaken the arduous and disagreeable duty of moving certain resolutions which would lead the Commons of Great Britain into an effectual prosecution of the man whom they had before condemned, he should be allowed those papers which he deemed necessary for the purpose, as well as for the justice which we owed the miserable inhabitants of a desolated country, whose injuries he had never lost sight of, and in whose cause he would not relax his exertions. If, on the contrary, a majority should deprive him of the opportunity of collecting materials indispensably requisite for the complete substantiation of his charges, he must avail himself of scattered pieces, and try from these to stamp validity upon his accusations.

Mr. Wilberforce advised the minister to be extremely cautious how he suffered any papers to be produced which were likely to do injury to the state. He cautioned the House not to be led into any warmth from the circumstances which were liable to be mentioned on these occasions, requesting, at the same time, that the gentlemen on the other side would not persist in harassing ministers with a demand for papers which they knew could not be complied with.

Mr. BURKE said, that Mr. Wilberforce had acted the part of a wise man in offering his advice, when he was certain it would be taken ; but at the same time he might have spared his reproachful admonition to him, who had certainly no design of embarrassing ministers by his con-

duct. But he thought it no good omen to the cause, if papers of so simple and fair a nature were deemed subjects of embarrassment to those in power.

The House divided on Mr. Burke's motion : Yeas 44 : Noes 87.

MR. DUNDAS'S BILL TO EXPLAIN AND AMEND MR. PITT'S
EAST INDIA BILL.

March 22.

THIS day Mr. Dundas moved for leave to bring in a bill to explain and amend Mr. Pitt's East India bill of 1784. The principal alterations that he proposed to make in the bill related, first, to the election of persons to serve in council. As the bill stood, it confined it to the servants of the Company in India; but he meant that it should comprehend the servants at home as well as those in India. Another alteration was, an addition to the principle of the bill; for, instead of leaving every thing to be decided by the voice of the majority of the council at Calcutta, he meant to give the governor-general more power than he at present possessed, and to let him decide upon every measure whether his council agreed with him or not. A third alteration would be that of empowering the governor-general to nominate a successor to sit in council on the death of any one member, instead of the oldest in service succeeding as a matter of course. He intended to entrust the directors with the power to decide as they thought it most for the benefit of the service, whether the commander-in-chief should have a seat at the council or not. A fourth alteration would be with respect to promotions in India: according to the bill of 1784, the Company's servants were all to rise by regular gradation; but as there were different heads of service, so a regular rise must in some cases prove inconvenient, and therefore he meant to divide the servants into their respective classes, and enact, that each class should rise regularly. In regard to that part of the bill,

which obliged the servants of the Company, on their coming home, to deliver in upon oath the amount of their fortunes, and also an account how they had disposed of any part of their fortunes in India; he meant to leave the clause out of his bill, and to let the account of the fortune they brought home be made secretly, and kept secret unless in particular cases. Another alteration was, in respect to the mode of balloting for the petty jury to try persons charged with having committed crimes and misdemeanors in India, after their arrival in England. As the bill of 1784 stood, two hundred members were obliged to be present before the House could proceed to ballot. This was extremely inconvenient; and therefore he meant to omit that part of the bill. Leave was given to bring in the bill. Mr. Dundas shortly after presented it to the House. In the committee upon the bill, on the 22d of March, Mr. Francis opposed its further progress, and moved that the chairman do leave the chair. The chairman, Mr. Rous, was about to put the question, when

Mr. BURKE rose. He declared, that the anxiety and indignation which filled his breast, whilst he reflected upon the present measure, were past description; nor could he avoid bitterly complaining against the indecency of suffering a question of that importance to be put without the honourable gentlemen on the other side deigning to say one word in reply to so much serious and solid reasoning. But well did it become the learned and right honourable gentleman (Mr. Dundas) to remain silent: and much did he appear satisfied, that if the majority of arguments was on one side, the majority of noses was on the other. The principle of the bill was to introduce an arbitrary and despotic government in India, on the false pretence of its tending greatly to the strength and security of the British possessions there, and giving energy, vigour, and dispatch to the measures and proceedings of the executive government. Mr. Burke reprobated the whole of the idea, contending that an arbitrary and despotic government was always sure to produce the reverse of energy, vigour, and dispatch, its constant features being weakness, debility, and delay. He referred to the Turkish government and to

every arbitrary government that ever existed, in proof of his assertion. It was, he observed, usual to presume the preamble to every bill founded in truth; but as the present bill was only in a state of probation, he made no scruple to assert, that the preamble of the clause which laid it down as a principle that arbitrary power was necessary to give vigour and dispatch, was a libel on the liberties of the people of England, and a libel on the British constitution; it gave the lie to all common sense, to all reason, and to the uniform experience of ages. He denied that there ever had been a people abject enough to submit willingly to an arbitrary government. He said, that however a prince, amiable in his private character, great, glorious, and successful in his victories abroad, wise and just in his administration at home, might prevail on his people to submit to his will, to which they were ready to resign themselves, from the pride which they might too naturally feel at seeing such a character exalted, yet, in so submitting, it was not from any sense of conviction, or an acquiescence in the principles of an arbitrary government. In the Turkish government there were principles of freedom; nor was there ever a government in the world in which there were not balances that distinguished it from an arbitrary government. This had been lately experienced at Smyrna, where there were three different powers to check and controul each other, and yet the Turkish government had been blazoned forth by the advocates of arbitrary power as a true model of that sort of government.

But, in fact, the whole of the business of Indian reform was a most contemptible result to so much time and trouble as it had cost him and other members of that House in inquiries into the abuses of the East, and in preparing numerous and voluminous reports upon the subject. He told Mr. Rous that he little expected the whole was to end in his being seated in that chair, the chairman of a committee on such a bill as the one upon the table. He thanked the honourable gentleman for his powerful assistance in drawing up the first report of the

select committee, and lamented that such a laudable design should end in the learned and right honourable gentleman opposite to him having endeavoured to erect a whispering gallery for the board of controul, which demanded auricular confession, and armed with the new powers the new bill was to give it, would prove a direct copy of the ear of Dionysius. The bill was, he said, a rawhead and bloodybones, which had assumed various shapes; and to prove that dispatch was a thing which defeated many projects, he put the case—had the learned and right honourable gentleman come down to that House at once, and said out boldly, “My plan is despotism and an arbitrary government;” in that case the House would have revolted at once, but now they had been taken by sap; they were tamely surrendering to principles that would have shaken every fibre in the frame of their ancestors but to have heard mentioned in any other terms than those of execration. He described the progress of the India bills of the gentlemen on the other side allegorically, and said, that profligacy had first cried out, “Give me despotism;” but hypocrisy, more artful and wily, had said, “No, let us come upon them by degrees, and then they will submit to what would have frightened them at first;” and so an abortion of tyranny, like an imperfect foetus in a bottle, was produced and handed about as a show; at length the child’s navel-strings broke, and a full-grown monster of tyranny, the bill upon the table, was brought forth. To administer arbitrary power as a cure for the ills of India, reminded him of the man who said he could apply one short and immediate remedy for the various diseases of the human body—poison.

He declared that he considered the present bill as pregnant with unconstitutional doctrines. Magna Charta and the Bill of Rights gave every man a trial “*per judicium parium, vel per legem terræ.*” This bill confirmed a new court of star-chamber, and prevented a possibility of a trial *per pares*, as would be the case if Earl Cornwallis should be tried. What he, from the experience derived

from many years attention, would recommend as a means of recovering India, and reforming all its abuses, was a combination of these three things—a government by law, trial by jury, and publicity in every executive and judicial concern. Various were the arts played off by profligacy and hypocrisy; and when hypocrisy might think proper to conclude her game, and let profligacy play her part,

“ Then should the warlike Harry, like himself,
Assume the port of Mars; and, at his heels,
Leash'd in like hounds, should famine, sword, and fire,
Crouch for employment.”

Measures of this complexion would indeed account for ministerial taciturnity. It was the only species of conduct which could suit the question which occupied the committee. He deplored the fate of the country and the constitution, from the spectacle which attracted their attention at that moment. What did these amendments recommend? It was a system of arbitrary government. Where were the feelings of Englishmen, who could hear what struck him as the grossest insult that could be offered to a British parliament? And were they, then, reduced to that degraded and abject situation which forced them, instead of delivering the captives from thralldom, to forge for them new chains, to be the instruments of increasing even the heavy misfortunes of slaves? Was this the character of our forefathers? No: it had happened to us in these dregs of times, when public spirit, the liberties of mankind, the generosity, the justice, the dignity of the nation, were all extinguished. But nothing could astonish him more than to find that dignity, energy, and dispatch, were expected to result from absolute power. Was not even this absurdity, gross and monstrous as it was, too palpable to be swallowed implicitly by a British House of Commons? He desired to know where that arbitrary government existed, of which dignity, energy, and dispatch, were the characteristics. To what had democracy, in all ages and all countries, owed most of its triumphs,

but to the openness, the publicity, and the strength of its operation? The imbecilities inseparable from the exertions of the best mind on earth, would always render the measures of an arbitrary government weak and imperfect. It was in direct opposition to all our theories and knowledge of human nature, to expect from one more than from many; or that the opinion of an individual, in all cases respecting the government and regulation of society, should be more solid than those which result from the joint experience and wisdom of multitudes combined and matured for that purpose. Yet, if he reasoned wrong, why had not the same system prevailed in the British government?

The right honourable gentleman, in the completion of this wonderful system, had roundly impeached the sagacity and integrity of our ancestors. They had consecrated, for the use of posterity, a system of government extremely different. How long it might retain the venerable garb which it had hitherto worn he knew not; but he shrewdly apprehended a design was on foot, hostile to that ancient and stately fabric, which had been the wonder and admiration of all the wisest, the best, and the greatest of men, for many generations. This government, therefore, devised by a British House of Commons, for one of our dependencies, was the first of the kind; it had no example among the nations the most polished, or the most barbarous; it was repugnant to every feeling of the human heart, and stamped throughout with cruelty and outrage. He, for his part, should not have remarked on the system at all, but merely to enter his protest against it; for he conceived it to be one of those gross and extravagant absurdities on which men of sensibility could not reason. He desired to be shewn what data human nature afforded as the foundation of so outrageous a system. Where were those sacred principles of freedom in which the British laws formerly originated? Gone; — and something else was now substituted in their room. This perhaps was our destiny, and, for aught he knew, it might be our duty to submit; but it was hard on those who regarded the liberties of Bri-

tain with affection. The period was however arrived, when the feelings of Englishmen were put to the test. He was sorry they did not seem more alive; and that such a measure as that before the committee could be suffered to make its appearance in a British senate. While he had a voice, however, it should be exerted in protesting against an innovation thus shocking and monstrous. Were the present an original measure, it might have been proper to attack it in another manner; but it was no more than the completion of one. The gradation was obvious, and menaced the liberties of the country through every stage of the business in the same formidable manner. The learned gentleman's bill began with reprobating five in council. This was one preliminary step towards augmenting the power of the governor-general. The learned gentleman next, with all the fury of his eloquence, attacked a casting voice. All this was aiming obliquely at that arbitrary power which was the principal intention of the measure. But having thus paved the way, a bold and unequivocal step is taken at last to outrage this country and this House with a proposition for the establishment of a system which our ancestors struggled and died to exterminate — a system incongruous to the habits and peculiarities of the national character, and which we never can admit without sacrificing at once all our prepossessions for the privileges of Britons, and the rights of humanity.

He wished the committee to recollect how this measure had throughout sacrificed the many for the few. He adverted to the clause in the bill of 1784, which rendered every individual who had been in India accountable for his fortune. It had been often enough observed, and justly, that this clause was sufficient, in an honest and independent House of Commons, to have ruined the entire measure. It afforded every subterfuge which villainy could desire, and exposed honesty alone to ridicule and contempt. Did a principle like this become the British legislature? It certainly did not; but it was adopted, and operated at this moment, to the disgrace of the country. In what manner

were delinquencies now to be detected? It was taken for granted, that no man could have a large fortune by honest means, because so many had been known to bring home one by means that were not honest. This principle was wrong, because it supposed that which was not true. Industry would undoubtedly obtain its object by perseverance there as well as here. Money might to a certainty be even more easily obtained, as it was ten per cent. cheaper. A man of this kind might not like to give an accurate account of all his acquisitions, as it would in a great measure prove impracticable. He stated the case of a person high in office, who, by every species of the grossest speculation which his situation might enable him to practise, should accumulate enormous wealth, but who, at the same time, should waste that ill-gotten revenue for the most flagitious purposes; although guilty of almost every crime which human nature can perpetrate while in India, having thus dissipated his substance, he might be a poor man by the time he came home. It would not then be an object to prosecute his delinquencies. For the meaning of this clause was to lay hold of a man's fortune first, and condemn him afterwards; to begin with the effects of his crimes, in order the more easily and unanswerably to prove his criminality. What was this but a literal transcript of what had been done in India during the administration of Mr. Hastings? It was the practice to examine the country, and wherever he found money to affix guilt. A more dreadful fault could not be alleged against a native, than that he was rich. The moment this fact was substantiated, guilt was presumed; and it was no very difficult matter, with the powers he possessed, to realise whatever charges he chose to feign. All this did he perpetually censure, because he constantly knew it to be a leading feature of that government for which Mr. Hastings was responsible; it was one of the charges which he should endeavour to substantiate. But what encouragement did the measure he now condemned afford him for proceeding in the prosecution of a delinquency, which the House would virtually

approve, by an adoption of what originated in the same principle, and might be directed to the same object? All that had yet been said of the judicature which was now established for the purpose of punishing the delinquencies committed in India, fell short of its turpitude; it had no authority, example, similitude, or precedent, in the history of this country, except, perhaps, the Star-chamber of detestable memory. This institution, which had made the hearts of the whole nation to quake and tremble, was composed of peers, privy counsellors, and judges. Lord Bacon, not much to his credit, exclaimed, "Where would any man wish to be tried with greater safety?" He owned there was at least as much probability that a court constituted of such respectable members, was as likely to pronounce an independent and impartial sentence, as any selection which a minister could make from his friends in that House. But was this to be compared to an English jury? It certainly was not. The safety, the satisfaction, and the confidence connected with this mode of trial, arose from the character of the jurymen. They were citizens, and not politicians; and each of them might to-morrow return to the very situation in which had been the man whom they condemned. This he considered as the great bulwark of our liberties, and the deprivation of it was a punishment hanging over the heads of those who probably deserved it the least. It was at the same time, he readily allowed, such a judicature as became the crimes which were likely enough to be subjected to their cognizance. Whoever brought home money sufficient to tempt his relations or friends, or others in the secret, to betray him, would fall under the lash of such an institution. He remembered that it had been said of one King James, of Scotland, on viewing the beautiful and rich gardens, and other fertile and delightful parts of a great man's property, which lay on the banks of the Tay, that he exclaimed, "What a bonny traitor would this mon mack!" — meaning that his possessions were sufficient to tempt the grasp of rapacity thus armed with power. Mr. Burke stated, that the situation of the Company's subordi-

nate servants was often such as obliged them to have recourse to unfair practices, in order to support their dignity. The residents, for example, in Oude and Benares — the one had not an allowance of above 2,400*l.*, and the other received about 1,200*l.*; these salaries were by no means adequate to the indispensable expenditure of these gentlemen in their official situations or capacities. But suppose either or both the residents to have realised enormous fortunes, it was in the power of any of their dependents, or others in their confidence, to present a statement of the fact, and from that circumstance tempt them to a collusion, in order to avoid the punishment of their crime.

Mr. Francis's motion was put and negatived.

ARTICLES OF CHARGE AGAINST MR. HASTINGS.

April 3.

THE order of the day having been read for the House to resolve itself into a committee of the whole House, the Speaker left the chair, having previously put the question on motion, "That the several reports which, since the year 1772; have been made from the committees of secrecy appointed to inquire into the causes of the war in the Carnatic, and of the condition of the British possessions in those parts; and from the select committees appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, he referred to the said committee." Mr. Orde took his seat at the table.

MR. BURKE observed, that it was his intention during the progress of the business which he had undertaken, to call some of the gentlemen to the bar, who had been ordered by the House to attend as witnesses, and to examine them

for the purpose of authenticating certain papers already in his possession, relative to the transactions at Oude, with regard to the treatment of the royal family, the imprisonment of the mother and grandmother of the king, and the putting other persons of quality in fetters, with a view to extort sums of money from them. The papers ought to have been at the India-house. He should, therefore, establish their authenticity by oral evidence, as well for the sake of enabling himself to lay them on the table as written evidence, as of proving that the governor-general had withholden the communication at home of such papers of importance as it was his undoubted duty to have communicated; and first he desired, that Captain Leonard Jaques might be called in.

The master of the rolls contended, that it was indispensably requisite that the committee should proceed with the utmost circumspection, when the whole weight of parliament was about to be brought forward to press an individual to the ground; whether properly or improperly brought forward, he would not say. He had fully expected, when he came down that day, to have heard the right honourable gentleman state the charges which he meant to bring forward against Mr. Hastings, that he and other gentlemen might be able to judge how far the parole evidence to be adduced at the bar bore upon the charge, as well as whether the charge was a criminal charge or not, and such as it became the dignity and justice of that House to entertain. As to the mode in which the right honourable gentleman meant to proceed, he was so little able to guess even at its nature, that he hoped he would state more specifically the facts in charge, to which he meant to examine the witness whom he had just asked for. He knew not, for his own part, much of the forms of proceeding upon criminal matters in that House; but with the practice of places more immediately relating to the profession to which he had the honour to belong, he was tolerably familiar; and though he could not say much of the practice of that House, as the grand inquest of the nation, he well knew that it was the practice of the grand inquest of every county, when a criminal prosecution was brought before them, to hear a positive specific charge first, and then go into the evidence,

and find a bill of indictment. He should suppose that something analogous to that practice either did, or ought, to obtain in respect to criminal prosecutions carried on by that House. Certain, however, he was, that it behoved them to act with more than ordinary caution in the proceeding then carrying on by them against an individual, especially when it was considered that the whole business lay in the hands of a right honourable gentleman of great and acknowledged abilities; and as that gentleman was known to possess as much candour as any man living, to that he should venture to appeal, and to his conscience, whether it would not be fair, in respect to the supposed delinquent, that the charge should be specified in some sort at least, or so much of it as the witness just named would be called upon to speak to, before he came to the bar. — Mr. Nicholls expressed his opinion, that the charge ought to be opened to the House, that they might know where they were going, and be able to judge how far the papers called for were necessary to establish it. The practice of criminal courts of justice upon indictments was well known, and was worthy of imitation; and it seemed necessary, in point of justice, that some specific criminal charge should be made out before they proceeded farther.

Mr. BURKE answered, that so much did he admire and respect wisdom, that he would bow even to late wisdom; but surely, if instead of learned gentlemen of great weight and authority, because at the head of their profession — instead of the master of the rolls, the solicitor-general, and the learned gentleman whom he saw opposite to him, coming down so late in the progress of the proceeding as the stage of the committee to which they had that day arrived, in order to set the House right and guide their steps in the business, they had come down at first, and been so good as to let them have the benefit of their superior legal knowledge — their conduct would have been more kind, and their behaviour more friendly to the House and to him. The learned gentleman had talked of the weight of that House being exercised to crush an individual to the ground: he might rest assured, that neither that House would suffer its weight to be used in the unjust pressure of any indivi-

dual, nor would he attempt to use it for any such purpose. But, in truth, the weight of that House, in a prosecution of an East Indian delinquent, was not to be considered of so dreadful a nature; it would not be felt equal to a feather upon any individual, as experience had again and again shewn. The loins of that House upon a criminal weighed not so much as the little finger of the law, nor was it so likely to crush him to the earth. For his part, he meant, through the whole of the proceeding, to shew himself as open as possible; more so than perhaps was well for the part which he had undertaken, but certainly not more so than was fair. With that view he had, in the very outset of the business, laid down the grounds of fact in a general manner, upon which he was induced to presume guilt of a great and enormous nature in the government of India; and in order to establish which, as a matter of criminal charge against Mr. Hastings, he had called for certain papers, most of which had been granted and some denied. The papers already upon the table were those on which he should rest much of the various charges which he meant to bring forward; and he had other papers extremely material to the establishment of the charge, which he wished the House also to have before them; but it was impossible for him to produce them until they were authenticated, and the witnesses whom he meant to call he knew had it in their power to authenticate them. As far as they had gone, the House, and not he, were answerable: any thing, therefore, which the learned gentleman had to suggest against the order of their proceedings, must go in censure of the House, because the papers for which he had moved were, many of them, granted. He had then moved for a committee of the whole House, and that the House had also granted; and he had moved for certain witnesses, to establish, by oral evidence, the authenticity of the written evidence which he had in his possession, which witnesses the House had ordered to attend; and they were at that moment in a committee for the purpose of calling in and examining those witnesses. The whole of the proceedings hitherto were proceedings sanc-

tioned by that House; and surely when the House had ordered a committee, it was not merely for putting the chairman into his seat at the table that he might leave it the moment he sat down, without transacting any business in the committee. The cause which he was endeavouring to forward was one of the most important ever agitated by parliament; it behoved the House, therefore, to be careful of its own honour, and by no means to appear desirous of restraining evidence or preventing full information on the subject. Both the learned gentlemen, had they attended in the early part of the business, would have heard him state the outline of the charges; the better to establish which, he had since found it necessary to call for so many papers. One learned gentleman had appealed to his candour, and he would prove to him that he had not appealed in vain, by reading again a paper which he had before read to the House, and upon hearing of which, they had not ventured (except in one or two instances) to refuse him the papers for which he asked. [Mr. Burke here read the paper, which consisted of a summary statement of the principal facts in respect to the conduct of the British in the kingdom of Oude, and the transactions at Oude; to which he meant solely to confine himself in his first inquiry.] With regard to the learned gentleman's allusion to an indictment and a criminal trial in the courts below, the comparison would not hold with that House. In their proceeding at present, they rather resembled the presentment of a bill than any thing else; and certainly they in no sort resembled a jury trying a cause. Their proceedings in all cases of criminal prosecution were clear, distinct, and peculiar to themselves; and he must appeal to the honour of the House, to suffer the witnesses, whom they had themselves ordered to attend, to be called to the bar and examined.

The Speaker rose, in order to endeavour to settle the form of their proceedings, which appeared to him extremely important to be adjusted before they went farther, since an error in that

respect might establish a very improper precedent. The better to bring all the circumstances of the case before the committee, that they might see precisely how they stood, he recapitulated every step which had been taken, from the commencement of the business to that hour, and stated Mr. Burke's declarations at the outset, and at different times, as to the course of proceeding which he meant to pursue. He described the modes which struck his mind as the only possible modes to be adopted effectually; the result was, that the whole depended on the question, whether that committee was a committee of inquiry, or a committee appointed to receive a charge, or certain resolutions tantamount to a charge? It forcibly struck him, that the committee was not a committee of inquiry, but merely a committee to receive a charge: and that in stating the charge, the right honourable gentleman would attach to it, or to the resolutions which he should propose, criminality of a certain colour or quality; it would then remain to be seen, whether the charge or resolutions were grounded in facts, and whether the criminal colour and quality attached really belonged to those facts. That being his opinion, he did not think the committee could receive oral evidence.

MR. BURKE warned the House against doing any thing so incongruous as calling their own acts in question. What they were now urged to do, was neither more nor less than to reprobate their former proceedings. As to the idea, that the charge ought to be stated first, instead of the evidence out of which it would naturally arise, it reminded him of a parcel of philosophers, who were disputing among themselves about the reason why a flock of sheep ran faster when the wolf came than at any other time — when a poor simple fellow like himself said, “ But before you enter deep into your controversy, would it not be wise to ascertain the fact, whether sheep do run faster when the wolf comes than at any other time ? ” He earnestly adjured the House not to restrain and narrow evidence. He reminded them of the murders, the rapine, the delinquencies of various kinds practised in India, where a whole people had been extirpated, princes sold, the persons of women of the highest rank treated worse than common prostitutes, and every vice and fraud perpetrated

which could degrade human nature, and disgrace the British name. For the sake of their own honour, and for the sake of the national credit, he urged the committee to consent to examine the witnesses. His reason for pressing so much that point, was to prevent their being tampered with or influenced, and when he said so, he meant no imputation on any one of them ; but human nature was human nature. If the committee should, in spite of his caution, continue to call for the charges, which they had heard exacted as a matter due from him, though he never had even hinted a promise that he would introduce them that night, they should have them, for he had the code of accusation with him, though the present was not, in his opinion, the fit moment to produce it. — Mr. Burke then withdrew his motion.

April 26.

ON the 4th of April Mr. Burke, in his place, charged Warren Hastings, Esq. late governor-general of Bengal, with sundry high crimes and misdemeanors, and delivered at the table the nine first articles of his charge, and the rest in the course of the following week, amounting in all to twenty-two in number*. On the 26th, Mr. Hastings requested, by petition to the House, to be permitted to be heard in his defence to the several articles, and that he might be allowed a copy of the same. Mr. Burke signified his consent, provided that its contents could be complied with conformably to precedent. It being then moved, "that Mr. Hastings be permitted to be heard on the matter of the said charges, and that he be allowed a copy of the same," Sir Grey Cooper remarked, that such precedents as he had found upon the Journals appeared to merit the attention of the House. He then read a few precedents, from the nearest of which to the present proceedings, it appeared that parties accused had been indulged with a hearing, but that copies of the charge had not been granted. He contended, that it would be impossible to comply with the latter part of the motion.

* For copies of the said Charges, see Burke's Works, vol xi. and vol. xii.

Mr. BURKE desired that the honourable baronet would accept his acknowledgments for supplying him with precedents so much in point, and coincided with him in opinion, that copies of the charges could not be granted; or if they were, that they would prove of no use to Mr. Hastings. It had originally been his intention to have called his evidence first, and then to have proceeded gradually; to let the charge grow out of the evidence; but the House, in its wisdom, had thought proper to vote a different mode of proceeding. Hence he had been reduced to the necessity of making his charges as comprehensive as possible, taking in and stating every thing with which private information could furnish him. But it had since appeared, that in several of the charges there was superfluous matter, which called for correction, and to omit which he should himself move in the subsequent stages of the business. He had, in one charge, accused Mr. Hastings with not having called in and cancelled his Bengal bills; whereas the fact was (as appeared by papers laid on the table since) that the bills were all cancelled and discharged. He desired the House to recollect, that they were proceeding as accusers, and that Mr. Hastings could only make a defence with success, where there existed a power of acquittal. If he was to make a defence there, nothing could be more evident than that he ought to have the benefit of counsel, and of calling witnesses to examine to facts. As he had only prayed to be heard himself, the case was otherwise. Mr. Burke concluded, with expressing it as his opinion, that only the first part of the motion could be complied with.

Mr. Fox observed, that the charges before the House were not articulated charges, but merely general collections of accusatory facts, out of which the real charges were to be extracted, and every body knew, that even after the House had decided upon those real charges, articles short, specific, and pointed, were to be drawn up and sent to the House of Lords, as the grounds of impeachment. Unless a precedent could be adduced, to prove, that under such peculiar circumstances

copies of charges had been granted by that House to a party accused, he should be of opinion that the House could not grant charges, loosely drawn, and which the committee, to whom they were to be referred, would necessarily alter materially. Mr. Pitt was willing to admit that the charges contained criminal matter, and such as it was highly incumbent on the House to investigate and bring to a most strict inquiry; but still they were so filled with aggravations and unconnected details; they were so confused and complicated, so irrelevant, and in many places so unintelligible, that he thought it absolutely impossible for the House at large to be able to separate accurately and distinctly those parts which were worthy of attention, from such as were entirely foreign from the main design.

Mr. BURKE remarked, that it behoved him to confess a truth of which, undoubtedly, the House was well persuaded, and fully to admit his absolute incapability of producing charges of such magnitude, importance, and variety of matter, in a state of perfect correctness. Men of much greater abilities than he pretended to, could not have done it; in this, as in many other cases, *materiam non superabit opus*; the plate was often better than the fashion, and thus he presented the House with his rough ingots, and left it for them to polish and put them into shape and form. The right honourable gentleman, however, had made an omission and an objection. He had confessed, that the charges which he had brought forward, contained much matter of serious criminality, that the honour of the House and the character of the nation were deeply interested in the issue of the business, and that it became their indispensable duty to take care that substantial justice was done, and if the guilt imputed were fully made out, that the party accused should be brought to condign punishment. This was a fair and just confession, and he was happy to find, that confused, complicated, irrelevant, and almost unintelligible as the right honourable gentleman had declared the charges to be in many parts, he nevertheless understood them sufficiently to find out that they contained much matter of criminal offence. The objection that had accompanied this

admission, was, what he would next speak to. It was utterly impossible for him, denied as he had been, his own mode of proceeding, by adducing evidence first, and then making the charges to rise, as it were, out of the evidence, to have drawn his charges in a shorter compass, without actually rendering them ten times more liable to the objection of their being confused and unintelligible. Great and obvious was the difference between crimes of a specific and ascertained nature, such as were defined and known sufficiently by their name alone, and such as were not; as, for instance, high treason and felony, opposed to these, high crimes and misdemeanors. Under the classes of high treason and felony, certain specific and known offences were arranged; but misdemeanors comprehended a general class of offences incapable of precise definition, and depending altogether on circumstantial and detailed description. Hence all misdemeanors were difficult to be made out in charge, and impossible to be so stated as to be rendered intelligible, but by amplified description. In the case under consideration, he had three things to make out: first, that the transactions to be made matter of charge, were misdemeanors; next, by circumstances of aggravation, that they were high crimes and misdemeanors; and lastly, that they were Indian misdemeanors. An infinite variety of detail was of consequence indispensably necessary. To prove the mischiefs done in Benares, it was necessary to prove that Benares had been a most fertile province, and that it was a populous province, and that it was no longer either populous or fertile. So with respect to the royal family at Oude, it was necessary to prove their rank, and to prove what a disgrace exposing women naked in the market-place was. [The House laughed.] The very impression the fact made on the House proved the truth of his argument. To talk of exposing women of rank to the sight of the soldiery, was matter of laughter with us Europeans, and even in that House. In India it was the deepest disgrace; a disgrace, to escape from which, hundreds had devoted themselves victims to the pile, and lifted their willing hands to put a

period to their existence, rather than stand the chance of incurring it. All this was necessary to be described in argument to render it intelligible to the major part of that House, who notoriously had paid no great attention to Indian affairs. It was impossible to avoid large and circumstantial detail in his charges, to however small a compass the issuable points they contained might be capable of being reduced. Whatever alteration they might appear to require, the right honourable gentleman had taught him that he ought not to be ashamed of their standing in need of amendment. In proof of this observation, he should beg leave to instance the Irish propositions, which had been altered *in toto* in that House, after the right honourable gentleman had introduced them, and a variety of bills introduced by the right honourable gentleman, that had been equally altered.

After Mr. Fox had spoken, Mr. Pitt observed, that it was not without the greatest reluctance that he ventured to protract a debate, which, from the temper with which it was carried on by the right honourable gentlemen opposite to him, did not augur well of the moderation and candour that was to characterize their future proceedings. He hoped, however, when the business of criminal prosecution should be completely before the House, that those gentlemen would endeavour to shew less warmth and violence than their present language indicated. He should be extremely sorry, if, on the question for the impeachment, gentlemen were to shew themselves actuated by the spirit that seemed to warm them on the present day: at least he hoped, that when the right honourable gentleman who had spoken last should offer any grounds of charge to the House against the person accused, he would do it in a different manner from that which he had adopted in suggesting those insinuations against himself, of which they had just been witnesses. He desired to inform the right honourable gentleman, that however passion or other motives might govern him and his friends, yet those against whom he had ventured to utter his unfounded calumnies, had no object in view but public justice.

Mr. BURKE remarked, that the right honourable gentleman's invective against insinuation, and his insinuation

against invective, had met; as they deserved, his most serious and close attention. The right honourable gentleman's very temperate declamation against passion, reminded him of two famous lines of Dr. Arbuthnot:

"There roar'd the prophet of the northern nation,
"Scorch'd by a flaming speech on moderation."

So the right honourable gentleman's example of temper was to be described. The right honourable gentleman had been himself the warmest and most passionate speaker in the debate, but the charges deserved not the objections that the right honourable gentleman had made against them. Before gentlemen took upon themselves to find fault, he wished they would be so good as to try their hands at the drawing out a criminal charge upon an Indian subject themselves.

Mr. Martin trusted, that substantial justice would be done, and thought that Mr. Burke had a right to expect the support of the House in a matter of such important national concern. When the present prosecution was disposed of, there remained one for the right honourable gentleman to proceed in, that he thought highly necessary to be undertaken in justice to the country. He said he alluded to Lord North, who had repeatedly challenged inquiry, and declared he was prepared to meet it. He had long been of opinion that the inquiry ought to have been proceeded in; but such was the state of parties at present, and such had been their state for some time past, that the noble lord well knew he might bid the country do that, which the dignity of the House, and his respect for them, forbade him to mention within those walls.

Mr. BURKE expressed a wish, that the bird who always sang one and the same tune would take it in a gentler key. The cuckoo's note was uniform, but it was melodious. Now, as the bird in question could only sing one note, and that one was, like the cuckoo's, ungracious to the married coalition ear, perhaps the House would thank him to correct the harshness of his thrilling, and to give his

constant and unvaried song in a sweeter and a milder tune. It was true, the cuckoo of that House could not soar as sublimely as the lark, or sing so sweetly as the nightingale, and therefore it became him to sing more gently. In reply to the honourable gentleman's recommendation of a prosecution of the noble lord, it would be sufficient to observe, that whatever he might once have thought of his conduct, he should not now be prompt to urge an impeachment of one, whom he had the happiness to rank among the number of his friends; besides, when he looked over against him, and saw the right honourable gentleman, who had put a stop to all retrospective prosecution some years since, he dared not attempt it; more especially when he beheld the two powerful supports who sat on each side of him. [Mr. Jenkinson and Mr. Dundas.] The influence of three such formidable opponents was sufficient to awe him into silence. He once thought the system that noble lord was pursuing dangerous to the constitution, and extremely censurable. He had, therefore, at the time, drawn up seven distinct articles of impeachment; but he did assure the honourable gentleman, that only one of the seven went at all to affect the noble lord. When, however, he saw the system abandoned, and the noble lord ready to depart from that in support of which the first characters in the senate, the law, and the church, had united, he was willing to forget what was passed, and to do that honour to his distinguished talents and virtues which they well deserved. The late Marquis of Rockingham had, indeed, advised him to abandon the impeachment, and had taken the papers; and he had since endeavoured to find them, but in vain. No man was more ready to forgive a political adversary than he was, and to shake hands, when the cause of contest was at an end. He had, in the course of his twenty years parliamentary existence, made several coalitions, and he should in all probability make several more. In his connexion with his right honourable friend * they had

* Mr. Fox.

always acted upon one set of principles, and had never coalesced but where those with whom they joined could act with them. The noble lord in the blue ribbon had more sacrifices to make than they had, when the coalition was formed: the noble lord and his friends had acted most honourably, and he was proud to make that public acknowledgment of his disinterestedness.

The question was at length put and carried. Mr. Burke then presented another charge, and after moving that it be referred to the committee of the whole House, to whom the former charges were referred, moved, "That the Speaker do now leave the chair." The master of the rolls objected to the motion, on the ground, that the situation of the business was completely changed in consequence of the House having that day granted Mr. Hastings leave to be heard upon the matter of the charges.

Mr. BURKE observed, that unless the learned gentleman could prove, that there ought to be a distinction made between written and parole evidence in this case, his arguments must fall to the ground. It was but within the last fortnight that the House had adopted a new mode of proceeding on the recommendation of the learned gentleman, and already had the learned gentleman forgotten the mode he then recommended, and was suggesting another. Let the learned gentleman repeat his practice of being slow in giving his advice, and thus embarrassing the business day after day, he would not abandon his cause. He considered one arm of it as lopped off already; if he lost a leg, he would still persevere; and even were he to be deprived of both arms, he would fight, like Withrington, "upon his stumps." The only reason for his being so anxious to proceed with hearing the evidence, was, because his witnesses were in general extremely ill, and wished to retire out of town. Colonel Gardener and several others had been obliged by bad health to leave London, and were incapable of returning. He read a letter from one of them, with the certificate of the physician who attended him, stating,

that he could not come to town without endangering his life. Sir Robert Barker, the first witness whom he meant to call, was also very ill, and wished to be dismissed; it was therefore on account of the gentlemen whom he had called for as witnesses, and not on his own, that he was so pressing for proceeding to hear them.

Mr. Pitt declared, that he would never consent to go into the examination of witnesses, much less to vote the impeachment, on the vague and indefinite charges now before the House; and he hoped Mr. Burke would reduce them into a more palpable and intelligible form before he pressed forward to that part of the business. Upon the whole, he was convinced, from the great complexity and variety of the charges in their present shape, it would be perfectly impossible, with a due regard to public justice, to bring the business to a conclusion in the present session; in which case, the best method would be, to prosecute the affair in the present session as far as propriety would warrant, and by an act of parliament keep the proceedings alive until the next session, when they might be resumed, not *de novo*, but in the stage in which they had been left. — Mr. Fox supported Mr. Burke's motion, and intreated the House to recollect, that the honour and justice of the nation were in their hands, that their conduct on this occasion would determine the opinion of surrounding nations, whether British honour, British probity, and British humanity, were but names, and a mockery of their meaning; and would decide whether our pretensions to a multiplicity of great national virtues were indisputably founded. — Mr. Wilberforce said, that if the charges were true, they contained enough of heavy criminal imputation, to rouse the feeling of every man in the House: he wondered not, therefore, that they should particularly warm the mind, and excite the passion of the right honourable gentleman who had stood forward as the principal conductor of the prosecution, because that right honourable gentleman had long studied the affairs of India; long before that House, generally speaking, knew any thing about them: and as he had, as it were, been brooding over them for years, it was natural for him to feel more poignantly respecting them, and to see the enormity that appeared to him to have been their characteristic in a more magnified point of view than any other person. He

said, that in charges which were full of explanatory and historical matter, there necessarily must be many redundant passages. Before, therefore, evidence was adduced in support of them, the superfluous parts ought to be omitted and the facts to be drawn closer together.

Mr. BURKE said, that the honourable gentleman who spoke last had used a proper word — he had indeed been “brooding” over the affairs of India, and the charges upon the table were the eggs that had been produced. His wish was to nourish those eggs and bring them to maturity with a truly parental and prolific warmth, and not suffer them to become addled by quitting the nest like an ostrich, and letting them grow cold in consequence of the delay now suggested by those who appeared to him to be artfully desirous of destroying his eggs, of defeating the birth of his progeny, and of demolishing his whole brood. The conduct he was pursuing was common to all animals, to the highest as well as the lowest; to the creature man, the first work of God and nature. It was his aim, in the labour they were witnessing, to bring forth justice, and he hoped, with the aid of the obstetric hand of that House, to complete the birth with perfect safety. What he had heard led him to fear, that it was intended to quash the prosecution; for it was evident, from the language of a right honourable gentleman, that one half of the charges were gone already: they were struck with the dead palsy, as it were, and were to live no longer. In the course of the debate, three ways had been suggested, by each of which his charges were to suffer: first, a demurrer as to the form and shape of them had been stated by an honourable and learned gentleman high in office, who had declared, that they should not be tried in his court unless the form of them were altered: and next, they were to be defeated by the allegation and ratiocination of Mr. Hastings. It was a little extraordinary to complain of any part of his charges as irrelevant and superfluous, before it was known whether he should produce evidence to support these parts, and prove them

to be essentially relevant: and as to its being expected, that he should take and alter his charges by changing their form, surely it was altogether a task improper to expect him to perform. What! was it to be thought that he should sit in judgment on his own acts, and mutilate their form? The honourable gentleman who spoke last had said, that they contained much of matter explanatory, and much of matter historical. Now, for his part, he did not know that they contained a superfluous word; and as to historical matter, my Lord Coke had said, that history was evidence, and so it undoubtedly was; the courts in Westminster-hall admitted it to be so; and every man of sound sense must see, that in the nature of things it could not be otherwise. As to the idea of not proceeding farther till Mr. Hastings had been heard, he verily believed, that alone would prove fatal to his charges. Let the House therefore be cautious how they proceeded: they stood committed upon the occasion; and, as his right honourable friend had well said, the honour and justice of the nation were in their hands, and depended on their present conduct. As to the failure of the charges altogether, upon their own merits, it was impossible: they contained matter of original charge that nothing could overthrow or defeat. If the House, therefore, chose to crush the proceedings, the disgrace would be theirs and not his. He had done his duty, and, disabled as he might be, he should persevere, and while a single spark remained, he would blow up the embers and keep that single spark alive. He should bring forward his charge concerning the Rohilla war first of all, and in doing so, he should prove, that such a people as the Rohillas had existed; that they had been a flourishing and an orderly people; and that they were extirpated through the means of Mr. Warren Hastings.

The House divided: Yeas 80: Noes 139. It was then agreed that Mr. Hastings should be heard on the ensuing Monday at the bar of the House.

June 1.

THE House having resolved itself into a committee of the whole House to consider further of the several articles of charge of high crimes and misdemeanors against Warren Hastings, Esq. late governor-general of Bengal, Mr. St. John in the chair, Mr. Burke begged a pause of a few minutes, wishing, on account of the great magnitude of the subject, to have the House as full as possible before he began what he had to say to the committee. Soon afterwards,

Mr. BURKE, rising again, solemnly invoked the House, to shew that justice which he contended was particularly due to the subject, as well because the national credit and character were deeply implicated in the issue of the business about to be brought before them, as for the sake of their own honour and dignity. He described the precise question to be decided; declaring, that it was an appeal to British justice from British power. The charge contained matter which must either be criminal, or a very false accusation: there was no medium; no alternative: the result must be, that Warren Hastings had been guilty of gross, enormous, and flagitious crimes; or that he (Mr. Burke) was a base, calumniatory, wicked, and malicious accuser. He enlarged upon the degree of guilt ascribable to that man, who should presume to take up the time of the House by rashly coming forward and urging groundless and ill-founded charges against a person who had been intrusted with high and exalted offices in the government of a part of our territories much larger and more extensive than the whole island of Great Britain. For any private man to suggest such charges, would be to be guilty of a scandalous libel; for any man, under the colour of authority, to hurl the thunders of parliamentary vengeance at the head of an innocent individual, would be such an abuse of power, as would not fail to rouse the justice and call down the punishment of that House. There were but

three motives which were known to actuate men and excite them to turn accusers; these were ignorance, inadvertency, and passion. By neither of these three had he been actuated: ignorance he could not plead, because he knew the subject as fully as the labour and study of five years could make him know it; inadvertency as little could he be charged with, because he had deliberately proceeded and examined every step which he took in the business with the most minute and cautious attention; and least of all could it be said, with any colour of truth, that he had been actuated by passion. Anger, indeed, he had felt, but surely not a blameable anger; for who ever heard of an inquiring anger; a digesting anger; a collating anger; an examining anger; a deliberating anger; or a selecting anger? The anger which he felt, was a uniform, steady, public anger, but not a private anger. That anger, which five years ago warmed his breast, he felt precisely now: he was, in respect to the British government in India, exactly in the same situation in which he stood when he first took it up. Not all the various occurrences of the last five years, neither five changes of administration, nor the retirement of summer, nor the occupation of winter, neither his public nor his private avocations, nor the snow which in that period had so plentifully showered on his head, had been able to cool that anger which he acknowledged himself to feel as a public man, but which, as a private individual, he had never felt one moment.

The question which he was going to submit to their consideration was not a personal contest; it was a national, an imperial question, and not a trifling municipal regulation: it involved in it the honour of the country, and now, particularly, the honour and the justice of that House. They stood pledged by a resolution of a former day to bring it forward. Let not their honour be tarnished, but let their character be safe; and let it be said, with respect to its justice, *esto perpetua*, whatever might become of him. He begged that the House would not regard the matter as a matter of party: there were no parties concerned in it,

except the injured, the oppressor, and the accuser. It became their immediate duty to consider it in those three points of view. With regard to himself, he called upon the justice, the honour, the dignity of parliament, to denounce their utmost vengeance on his head as the accuser, should it be found that he had dared to trifle with the sacred character of the British legislature. He had made up his mind completely upon the subject, and was ready and prepared to submit himself to the severest punishment of that House, should it appear that he had wantonly and rashly preferred a groundless charge. Should it be their opinion, that he had idly sported with their time, and with the character of the governor-general, he did assure the House, that he would not resist their vengeance: being once turned out at the door, he would not attempt to force himself in at the window, as other men had done. But in fact, what they had to vote that day, was not the case of Mr. Hastings. Mr. Hastings was out of the question, because matter of much higher import called for their decision. They were that day to vote a set of maxims and principles to be the rule and guide of future governors in India. What they determined, therefore, would decide the world as to their opinion of British justice and British policy.

The code of political principles of government which they should that day establish, as the principles of British government in its distant provinces, would stand recorded as a lasting proof of their wisdom and justice, or a test of their injustice and folly. Lord Cornwallis, who was now going out with great additional powers to India, would learn from the decision of that day what the system of government was, and what the principles were which were to form the basis of that system of which the House approved. The distant dependencies had put their sword into the hand of Britain: be it then her business to hold it as the sword of justice, and not to turn it against the natives of India, and use it as the sword of vengeance, cruelty, and murder! The House would recollect the mode adopted by Rome as to the government of her distant provinces, so

long as a spark of patriotism and public virtue remained in her bosom. The Roman empire was an empire of continuity, each province being either immediately or nearly accessible by land. They had likewise one general tongue to speak with, so that each man was able to tell his tale in his own way. This common tongue was Greek, which, with some of their own jargon, constituted all their language, so that they in a manner realized the miraculous gift of tongues. They had another advantage, rather a melancholy one, as it arose from the very circumstance of their being conquered, and it was, that the principal persons who accomplished the conquest, always acquired a property and influence in each new province by them subdued; and of course, the vanquished found patrons and protectors in the persons of their conquerors. Each province was also considered as a body corporate, and consequently each province was enabled to send their grievances to Rome collectively, and to state them as speaking with one mouth. Noble was the character of an accuser in Rome, and great the advantages which attended him in order to enable him to bring his charges home against a state delinquent, who was stripped of his power and even of all his rights of citizenship pending the prosecution, the better to enable the accuser to make out and establish his accusation. How wide was the distinction between this facility of coming at a Roman governor, with high crimes and misdemeanors, and the extreme difficulty of making out any accusation with effect against a British governor!

When he considered that Mr. Hastings had been for fourteen years at the head of the government in India, and that not one complaint had been sent home against him, he trembled at the enormous degree of power he had to contend with, to which alone could be ascribed the silence in question; since it was not in human nature, situated as Mr. Hastings had been, to preserve a conduct so pure, so even-handed, and so unimpeachable, as to afford no room for a single accusation to be stated against him. Mr. Burke mentioned also the circumstance of his never having seen

the face of an Indian in this country, except a single Mahratta; and stated the difficulties which must arise, should any oppressed native of Hindostan madly venture to come to England to urge the complaint of the grievous oppressions under which he had laboured. These circumstances were additional reasons which ought to operate with the House, and induce them still more anxiously to convince all India by their decision, that they were the firm friends of freedom and justice, ever ready to relieve the oppressed and punish the oppressor.

As to the charges themselves, excepting in some few points, the facts which they contained had been admitted by Mr. Hastings at their bar, in what he had called his defence, but which he had couched and delivered rather in the style of their master than that of the person they were accusing of high crimes and misdemeanors. He read a passage from Mr. Hastings's defence, against the charge relative to the transactions at Benares, and dwelt on it as an express avowal of a system of despotism and arbitrary power which Mr. Hastings declared he had uniformly made the rule of his conduct. It was repugnant to any principle of government that he had ever heard of, and most especially where the constitution of the superintending government was free. Mischiefs must necessarily arise from subordinate directors of provinces exercising arbitrary and despotic authority; and highly reproachable indeed was Mr. Hastings's rapacity after money: it was one of the prominent features of his government: and although he had told the House when at the bar, that he went out to India with his education but half finished, it was plain he had completed it in Bengal upon the true Indian system. Nor was his unlawful taking of money singly a crime in his mind; but Mr. Hastings having always contrived to make the India Company a party in his rapacious proceedings, was a very great aggravation of it, inasmuch as it cast an odium on the national character, by making a private vice appear to be ascribable to a public feeling.

With respect to the circumstances immediately prece-

dent to the commencement of the Rohilla war, during its conduct and progress, and subsequent to its conclusion, he felt it necessary to observe, that had Mr. Hastings so conducted his government, as to leave a country which he found rich and fertile, increased in its cultivation and produce; had he left its venerable nobles in possession of their ancient honours and fortunes; its merchants in the pursuit of an improved and advantageous commerce, productive of a still more enlarged return of wealth and usury upon their capital; had he employed its husbandmen in carrying their victorious plough-shares into deserts and woods, and in warring against that destruction, solitude and famine, which warred against mankind; he would in that case have said to the governor-general, "I inquire not into your particular conduct; I am satisfied with the result; I want not to know whether you made two or three or five hundred thousand pounds; keep what you have got: you have made a numerous people rich and happy; you have increased the commerce of the country, enlarged its means of wealth, and improved its revenues; in so doing you have reflected honour and glory on the character of the British nation." Just such a people had the Rohillas been previous to their extermination; but, alas! they were now banished, and their country no longer that luxuriant garden which every spot of it had been before the Rohilla war. He gave a history of the origin and life of Sujah Dowlah and Cossim Ally Khan, and entered into an ample statement of the affair of Nundcomar, and of all the facts contained in the charge; remarking, that Sir Robert Barker had been offered 500,000*l.*, and the remission of an annuity of 250,000*l.* due from the Company before Mr. Hastings came out, only for employing the British brigade in the conquest of a small part of the Rohillas belonging to Haffez Ramet; and that Mr. Hastings had undertaken to extirpate the whole nation or tribe for 400,000*l.*

Mr. Burke then moved to have the resolution in May, 1782, which stigmatized Mr. Hastings's conduct, read. The master

of the rolls desired to know for what purpose the honourable gentleman wished to have the resolution read? Mr. Burke said, that his motive for wishing to have the resolution read, was, in order to clear himself from the imputation of having rashly and singly meddled with the subject, by shewing that the House had in very strong terms already reprobated Mr. Hastings's conduct in regard to the Rohilla war. The resolution having been read, Mr. Burke rose again, and moved, "That the committee having considered the said article, and examined evidence on the same, are of opinion that there are grounds sufficient to charge Warren Hastings with high crimes and misdemeanors upon the matter of the said article." The motion was supported by Mr. Wilbraham, Mr. Powis, Mr. Montague, Lord North, Mr. M. A. Taylor, Mr. Windham, and Mr. Hardinge; and opposed by Mr. Nicholls, Lord Mornington, Mr. H. Browne, and Lord Mulgrave. At half-past three o'clock the debate was adjourned, and renewed the day following by Mr. Francis, Mr. Anstruther, and Mr. Fox, on the one side; and Mr. W. Grenville, Mr. J. Scott, Mr. Burton, Mr. Wilberforce, and Mr. Dundas, on the other. In reply to what fell from Mr. Dundas,

Mr. BURKE contended, that the resolutions of 1782, upon the Journals, amply justified him: if they had not, he felt the situation in which the right honourable and learned gentleman's conduct would have placed him. He repelled the argument that Mr. Hastings's re-appointment in 1780, was a parliamentary pardon, and appealed to the common sense of every man, whether Mr. Hastings had pleaded that sort of pardon in bar of any farther proceeding. Had he not, on the contrary, appeared indignant, and proudly angry at what had passed? Had he not talked in the style of their master, rather than as a culprit before them? Had he not vomited forth the proffered pardon in their faces, and boldly and loudly demanded reparation for his injured honour? The new board of controul and its members, by rubbing against each other — just as the old Scotch proverb said, "the pigs love by ligging together," — would generate affection, and become cordial friends, however adverse their ancient opinions, however hostile their former political sentiments. The right honourable and

learned gentleman had pretended to palliate the shameful barbarity of extirpating the Rohillas, by arguing, that only a part of them, and those strangers and intruders, had been removed; but the place where a man's ancestors had settled and fixed their residence, became, to all intents and purposes, his home, and it was as great an act of injustice to remove him from thence, as if it had been his by the most remote and ancient possession. His right honourable friend (Mr. Fox) had instanced this by an example from Ireland, and he would illustrate it by one more. He wished to know whether the learned gentleman would be satisfied by a law for removing every Scotchman, and the descendants of Scotchmen, back to the other side of the Tweed — or whether he would be inclined to consider it in that insignificant light, in which he seemed to look upon the removal of the unfortunate Rohillas beyond the Ganges? He could hardly have expected to find such an opposition, and from such a quarter, to his motion; but he was determined to persevere to the utmost of his ability; and if the motion were negatived, in justice to himself, and to leave behind him a record, that neither motives of party nor private animosity, had governed his conduct, to move the several facts on which it was founded, as separate resolutions, that they might remain on the Journals, to his justification.

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lated to the treaty of navigation and commerce with France, Lord George Cavendish said, that thinking that on a discussion so truly important, there should be the fullest possible attendance of the representatives of the people, it was his design to move for a call of the House. He wished to do this in order ; but the motion now made by the right honourable gentleman precluded him. The period was too short for a call. He must therefore move an amendment, by substituting the words, "this day fortnight" for "this day se'nnight," and then he should follow the motion thus amended by a motion for a call of the House. After the amendment had been supported by Mr. Fox, and opposed by Mr. Pitt,

Mr. BURKE rose and observed, that the treaty with France was not to be regarded as a simple commercial treaty ; it had relation to other and higher considerations ; it bore strongly upon the political interests of the country, and must necessarily affect them deeply. The chancellor of the exchequer, with that narrowness which led men of limited minds to look at great objects in a confined point of view, regarded the treaty, and wished it to be regarded, as a mere commercial consideration. Such men, when in power, converted large cities into small villages, while those of a more noble and liberal way of thinking acted on a greater scale, and changed small villages into great cities. The right honourable gentleman had talked of the treaty as if it were the affair of two little counting-houses, and not of two great countries. He seemed to consider it as a contention between the sign of the Fleur-de-Lis and the sign of the Red Lion, which house should obtain the best custom. Such paltry considerations were below his notice ; but it was a serious thing to hear that Portugal was not to be held in view, in the discussion of the treaty. That was a novel and an alarming circumstance, and ought to be generally understood by the people, before their representatives gave a decisive vote on the treaty. The right honourable gentleman had ridiculed the idea of consulting their constituents. He begged to ask, had the manufacturers, of whose acquiescence the right honourable gentleman

seemed so sure, been told, that the trade to Portugal was to be the price of the trade to France? Where were they apprized of this? In what hall was the meeting held? As far as a mere commercial view of the treaty with France went, perhaps his opinion was much the same with that of the manufacturers, as to its immediate effect; but he should never think of consulting them as to the policy of the measure, and its probable political effect on our ancient connexion. We were about to truckle, and to join ourselves with that power against which nature designed us as a balance. The chancellor of the exchequer had animadverted upon his right honourable friend (Mr. Fox). When animadversion was accompanied with wit, the satire was softened though it might be severe; but when gross, miserable, and stupid abuse made up the whole of what was urged, the effect was lost, and the shaft recoiled on the person who threw it. The right honourable gentleman (said Mr. Burke) dwells with some degree of pleasantry on the short time he had the mortification to sit on this side the House, and in the plenitude of present power, triumphs in that pre-eminence which he now enjoys; but let me tell the right honourable gentleman, that the difference between this side of the House, and that, is as opposite as the equator to the pole. There is a great gulph divides us, and I am proud to say, that the ladder by which we aspire to climb the height of power, is supported by integrity, consistency, and sound policy. We have no merry-men to distribute our quack medicines; no bishopricks to bestow after bishopricks, or embassies upon embassies. After animadverting with great force on the conduct of administration, and drawing a ludicrous comparison between the coalition of Lord North, and that of Mr. Eden, he pointed out in severe terms the apostacy of the latter gentleman.

The question being put on the original motion, the House divided: Yeas 213: Nocs 89. Lord George Cavendish's amendment was consequently rejected.

February 21.

THIS day Mr. Blackburne, the member for Lancashire, moved, "That an humble Address be presented to his majesty, assuring his majesty that we have taken into our most serious consideration the provisions contained in the treaty of navigation and commerce, concluded between his majesty and the most christian king; and that we beg leave to approach his majesty with our sincere and grateful acknowledgments for this additional proof of his majesty's constant attention to the welfare and happiness of his subjects: that we shall proceed with all proper expedition in taking such steps as may be necessary for giving effect to a system so well calculated to promote a beneficial intercourse between Great Britain and France, and to give additional permanence to the blessings of peace: that it is our firm persuasion, that we cannot more effectually consult the general interests of our country, and the glory of his majesty's reign, than by concurring in a measure which tends to the extension of trade, and the encouragement of industry and manufacture, the genial sources of national wealth, and the surest foundation of the prosperity and happiness of his majesty's dominions." The Address was opposed by Mr. Grey, Mr. Burke, and Mr. Sheridan, and supported by Mr. W. W. Grenville, Mr. D. Pulteney, Lord Mornington, and others; but at a late hour an objection to it was stated by Mr. Welbore Ellis, who contended that the motion for an address in the present stage of the business was premature, unprecedented, and unparliamentary, tending to deprive the House of its powers of deliberation, and to pledge them to pass bills for carrying the provisions of the treaty into effect. He therefore moved the previous question.

Mr. BURKE contended, that the opinions of the manufacturers of two counties, however extensive and however commercial, should not be taken for the sense of the people of England; and that every person must be aware of the disposition of traders to snatch, at all events, at any immediate advantage. With regard to the conduct of this country towards Ireland, he thought that every means should be used to draw together the bonds of union, and

not to separate them by illiberal jealousy and revolting expressions. There was, indeed, one sovereign to the two kingdoms, and they spoke the same language; but that was not sufficient to keep them together without mutual confidence and a reciprocal exchange of good offices. He had heard nothing for some time past, but panegyrics on the French, while our tongues were let loose in the foulest asperity against other states. Ireland was an infatuated island! — Portugal an unnatural, a base, a worthless, an ungrateful nation! We cling to France in proportion as we separate ourselves from all other states. But what are our panegyrics on the French? Do we commend them for their gallantry, their valour, their ingenuity, their power, their opulence, their policy, their wit? No. We praise them for their sincerity, their forbearance, their moderation, their truth, their kindness, and their good-will to this country; and we have taken a twelve-years' lease of all these good qualities. France, it has been observed, is a wise nation — and it is to be hoped that we are also a wise nation. But if this be the case, we have been a very unwise, a very foolish nation for near a century, to refuse constantly what, in our present fit of wisdom, we give up to France: not that he meant to say, we give up our manufactures to the French — on that head, he was ready to declare that he had no jealousy; nor did he conceive that France could, for a considerable time at least, rival our manufactures. On the contrary, he was assured that in various branches there were large orders from France, while, comparatively speaking, there were few, excepting in the article of wines, from Great Britain. Our capital gave us a superiority which enabled us to set all the efforts of France to rival our manufactures at defiance. The powers of capital were irresistible in trade; it domineered, it ruled, it even tyrannized in the market; it enticed the strong, and controlled the weak. This capital, he asserted, was supported only by the universal partnership in which our funds, and the nature of our establishments, kept the immense property of this country. It was by keeping it dammed up from France, that

this general partnership within the nation subsisted. The moment we admit France, she will immediately begin to insinuate herself into the partnership, and in the end come in for a share of the capital. By means of the correspondence which might be established between the two countries, an alliance in commercial undertakings would soon blend the property of the two kingdoms. In this we had reason to admire the depth of the designs of France: she was ready to put up with a temporary loss in trade, by the superiority of our manufactures, for a permanent, future advantage in commerce. Holland was a proof that commerce is more than a compensation for manufacture; and Germany was a proof, that with manufactures a state may be plunged into the abyss of poverty: for no commerce had subsisted there since a vessel was wrecked *on the coast of Bohemia!*

The designs, then, of France were to allow us some present gain in the sale of our manufactures, for certain permanent advantages which she promised to herself in commerce. Through her rivers and canals she intended to pour the commodities of England into other countries. She had already, by her politics, contrived to wrest our share of the Levant trade from us; and it was a part of her present design to divert the remainder from its former channel; and by supplying all the ports of the Mediterranean sea through the Seine, the Garonne, the canal of Languedoc, and the Rhone, to engross the carrying trade to the Levant, and to ruin our factory at Leghorn and our other establishments in those seas. Her conduct was similar towards America; which proved that she proceeds systematically, and makes her progress in a regular series. What could she expect from America in return for the bounties and free ports so liberally granted her? America could make no return at present; for she was totally unable to pay the debts she had already contracted with the French government and the French merchants. It is evident that it is for benefits which she has in prospect. What a reverse in the conduct of our government! We act

wholly without system, and abandon Portugal for France, while it is in our power to form arrangements with both, by no means incompatible with each other. France, on the contrary, points all one way — to the increase of her navigation and commerce. The advantages she is to gain are political, naval, and commercial: ours will consist only in the sale of manufactures. But we have been told repeatedly of the friendly disposition of France: she opens her arms, it is said, to receive us into her bosom; this might be said in more than one sense. She opens two arms to embrace you in the channel. It was not without astonishment (Mr. Burke added) that he considered the immense operations now carrying on at Cherbourg; they exceeded the pyramids of Egypt, as much as the wisdom and policy of their designs exceed the idle vanity of the sovereign who caused those piles to be constructed. Their efforts were wonderful; they grappled with nature, removed mountains, overcame the ocean, to be enabled to look into Portsmouth. Yet we sat down in stupid insensibility of the danger with which we were menaced: we were deaf to the notice which was given us of our peril; it was in vain the alarm was sounded:

Aut hoc inclusi ligno occultantur Achivi;
Aut hæc in nostros fabricata est machina muros,
Inspectura domos, venturaque desuper urbi;
Aut aliquis latet error———

While the mill-stone is hanging over our heads, we talk of a union with France. But that she has little sincerity in such a union, may be inferred from the eagerness with which she increases her alliances; yet the temporary advantage of a little trade blinds the nation against its real interest, and renders it a prey to her delusions. She is treated like a woman who has been debauched, and is told, Have you not fine clothes, do you not enjoy all the luxuries of life, are you not caressed and courted, do you not ride in an elegant carriage, and live in splendid lodgings? how, then, are you ruined? The answer should be, she is ruined, be-

cause she has lost her reputation. It is the same with a nation : if it has lost its character, all is gone, and nothing remains but gaudy trappings to conceal its misery. And it is of little consequence, whether this consists of fine cambrics, of rich scarlet or good black cloth, of silks or satins. The same principle holds good with nations as with individuals. When once a man has sacrificed his honour, in what respect is he better than a beast? What is he good for, but to fatten; to drink rich wines and wallow in luxury and riot? Equally insidious were the designs of France in endeavouring to make a treaty with Portugal, to secure to herself the monopoly of the Brazil cottons: this was an indisputable proof of the insincerity of the French court. Our manufacturers might exult on the temporary advantage they would derive from the avidity of the French for English commodities; but if at the expiration of twelve years France should be found a large, commercial, trading, and naval power, the merely temporary benefits of trade would, doubtless, become purchased at a most shameful and alarming price — the price of irretrievable ruin to this country.

EAST INDIA JUDICATURE BILL.

February 20.

THE House having resolved to go, on the 27th instant, into a committee on the East India judicature acts, Mr. Dempster this day moved, That certain petitions from the civil and military servants of the East India Company, and others, the British inhabitants of Fort William in Bengal, be referred to the said committee; and also that they be at liberty to be heard by their counsel, in support of the said petitions. The Speaker expressed some doubt, whether the petitions could be thus heard, consistently with the forms of the House, and wished that a precedent might be adduced, by which the House would

stand justified in giving their assent to the proceeding. Mr. Dempster begged leave to adduce as a precedent, the hearing of counsel in favour of the shopkeepers against the shop-tax. There were gentlemen lately arrived from Bengal to be examined, he believed, touching the merits of the petition; but even if there were no precedent, he contended that the present petition ought to be heard. Britons had a right to be heard against the passing any law which might infringe on their natural privileges. The petitioners, however, could not avail themselves of that right by reason of their distance; their right now to be heard could not be disputed on any grounds supported by justice. He then quoted as precedents the hearing the Manchester merchants by counsel, against some acts relating to the American trade, and the London merchants being permitted to be heard by themselves against the Bank. The Speaker answered, that in his opinion, precedents of this nature were not applicable to the present petitions, unless the honourable gentleman would say that evidence was to be produced; then the precedents would apply; for evidence was produced in support of those petitions. He wished the House to weigh the matter well previous to their establishing a precedent.

Mr. BURKE declared, that all Englishmen were fully privileged to pray against the passing of any act which might affect their rights; the House would grant permission; its proceedings allowed that objections should be stated against any act prior to its being made a law; it would not be common justice, then, to deprive the petitioners of the privilege of being heard by counsel against a bill which was passed into a law previous to their knowledge of such law being intended, and against which they had no opportunity to demur, they being in a remote part of the globe. If they were denied being heard against the bill, on account of their not objecting to it previous to its being made a law, it would be saying to them, Our precedents admit you to object, but nature debars you. He was as much for a strict observance of the precedents of the House as any gentleman could be, as long as they were supported by reason; but technical rules should be done

away whenever they were contrary to justice. If the present was to be considered as a new case, old precedents should not be brought against it. Trial by jury, and other valuable privileges, ought not to be done away without a hearing. No man should be proceeded against without permitting him to speak in his own vindication. There was no country, no government in the world, however despotic, but admitted the petitions of individuals; even the grand seignior, when going to mosque, received petitions from the meanest of his subjects; and he should entertain no high opinion of his piety, if such petitions were refused.

Mr. Dundas was of opinion, that there were many reasons for refusing to comply with the prayer of the petition. With regard to the acts referred to, so fully was he convinced of their propriety, that he would readily expatiate on that theme for a day, for two days, or for a week, if so long it pleased the honourable gentlemen opposite to him to continue their objections to the tenour of those acts.

Mr. BURKE said, he had not the smallest doubt but that the right honourable gentleman would find a peculiar degree of pleasure in defending the justice of those acts; it was a theme which was confessedly dictated by self-love; but when the right honourable gentleman talked of his being particularly pledged, it included no more than this modest assertion — that the measure must be just, because he was the minister of India. But with respect to the present objections to the measure, if the language of the petition was displeasing to the right honourable gentleman as coming from men in arms, that might possibly have been a good reason for rejecting the petition; but when it was once received, that objection was of course given up, and it now mattered not whether they originally came, in the language of Milton, “beseeching, or besieging,” they were now entitled to a hearing. He was not at all surprised to hear that gentlemen going out to India, had approved

of these acts. Those who had favours to ask, were easily persuaded; and those, who perhaps could not go out but through the interest of that right honourable gentleman, would readily yield their conviction to his arguments; eloquent as he was by nature, there was then a superior eloquence in his situation, a persuasion in his official rank, which few adventurers so situated could withstand. The House, however, was not now to deliberate on the opinions of gentlemen going to India, but on the complaints of those who were already in that country, and whose supplications were poured out to them for hearing and redress.

Mr. Dundas denied that the opinion of any gentleman on these acts had been extorted or perverted by his situation, as he had no power to send out any person in any office to India.

Mr. BURKE replied, that though the right honourable gentleman might not be possessed of any direct power to that end, yet all who knew his influence with the court of directors must own that indirectly he might effect a great deal; or, if this was denied, he was certainly possessed of a power nearly equivalent — that of instantly recalling any person who met his displeasure.

The motion was agreed to.

February 27.

THE House went into a committee on the Bengal petitions, for the repeal of the East India judicature bill. After the counsel had retired from the bar, Mr. Dempster said, that on the next open day he should move for leave to bring in a bill to repeal the said bill, agreeably to the prayer of the petitions. Mr. Pitt observed, that there was sufficient time for the honourable gentleman to make his motion, and that instead of waiting for an open day, he ought to avail himself of the present day, which was kept open merely to accommodate him, though other very important business had been postponed for that

purpose. It was absurd, after having had the benefit of counsel, for the committee to adjourn immediately, as it were in order to forget the arguments of the counsel, before they should come to a vote upon the subject. Mr. Dempster answered, that his reason for deferring his motion was the thinness of the House. He then moved, "That the chairman report progress, and ask leave to sit again." Upon which, Mr. Pitt moved, by way of amendment, "That the chairman do leave the chair."

Mr. BURKE contended, that a great deal of argument might still be adduced in favour of the original motion. It gave him great concern to find that British subjects in India were not to be permitted to enjoy the same privileges which British subjects in England enjoyed. If they were to be deprived of their freedom, if English mouths and English pens were not to be allowed to be exercised in favour of oppressed natives, those natives must lose their freedom entirely, and no complaint against persons in office could ever be preferred with effect, so as to reach the knowledge and challenge the inquiry of the parliament of Great Britain, because the acts petitioned against put it in the power of the governor-general to seize and imprison every British subject who should presume particularly to state the variety of oppressions under which a native might unfortunately languish.

Major Scott said, that as to the government of Bengal, it had ever been, and it ever must be despotic.

Mr. BURKE maintained, that the worst that could be said of any government was, that it was despotic. If the British government established in India was despotic, so far from its being the best possible government for the country, all circumstances considered, it must be the worst, because of the infinite distance of India from the seat of supreme authority. If Englishmen in India were deprived of their rights and privileges, a total end was put to freedom in India, since an Englishman who suffered his liberties to be taken from him without cause and without resistance on

his part, was an Englishman depraved, fit and ready not only to enslave himself, but to enslave others. It was natural, he observed, for men in power to feel an inclination to exercise that power tyrannically, and even to the enslaving of those subordinate to their authority; but it was the province of freemen to detect them; and when the freedom of Englishmen in India was taken from them, those in power there might with impunity carry into execution against the miserable natives whatever plans of slavery their arbitrary and unfeeling dispositions might suggest.

The amendment was agreed to.

March 19.

THIS day Mr. Dempster moved for leave to bring in a bill to explain and amend the East India Judicature Acts. He contended, that as trial by jury was the birth-right of every British subject, no man, no assembly, had any right to take away such privilege, unless by the consent, and on the application of the parties themselves; and he declared it to be no justification whatever for that House to assert, that it gave the parties so disfranchised a better thing in lieu of that which they took away. He reprobated the ground of necessity as a plea for the abolition of trial by jury in the case in question, and asserted, that no such necessity could be proved to have existed. After the motion had been supported by Mr. Francis, and opposed by the solicitor-general, principally on the ground, that a common jury, composed of common individuals, were not competent to decide upon cases of delinquency in India, likely to arise in future,

Mr. BURKE declared, that he entertained a profound respect for the information which the honourable and learned gentleman had it in his power to give, and he felt that great weight was due to his opinion. He could not, however, but observe, that poor, ignorant, unlettered laymen, like himself, had not, lately at least, derived any assistance from the honourable and learned gentleman in

conducting the important prosecution in which they had been for some time engaged, and that the House had not paid any very great deference to the advice and judgment of the honourable and learned gentleman, when he had declared himself adverse to their proceedings against Mr. Hastings. Mr. Burke animadverted on the solicitor-general's declaration, that a common jury, composed of common individuals, were not competent to decide upon cases of delinquency in India, likely to arise in future. He said, that much as he respected that House, he could not conceive, that the instant any man entered the doors of it, he became, as it were, gifted with a degree of knowledge and a fund of liberality superior to that possessed by people without doors. He hoped, that generally speaking, that House represented the understandings as well as the individuals of the mass of the people, and that there was nothing so distinguished in the intellects of members of parliament, as to mark them out from their constituents, as the only proper persons to be trusted with the reputation and property of those who might hereafter be brought to trial for any part of their conduct in India.

The honourable and learned gentleman, whom, from what he had said, he should hold himself entitled to consider as the author of the act of 1786, had rested the justification of the bill on experience, and not on the loose ground of speculation and experiment. That was undoubtedly the true ground for any great measure to stand upon; but he should examine a little how far the experience referred to would warrant the inferences which the honourable and learned gentleman had drawn from it. With regard, then, to the trials alluded to by the honourable and learned gentleman — that between the Armenians and Governor Verelst, and that in the case of the seizure of Lord Pigot — they rather, in his mind, proved the competency of juries to try East India causes than any thing else. In the former, large damages had been given: but then, perhaps, as the honourable and learned gentleman had found so much fault with the verdict, the jury were incom-

petent, and had mistaken the merits of the case. The judge also might have been equally mistaken in his declaration to the jury. Supposing that, however, to have been the fact, where would the honourable and learned gentleman look for competency to decide? Under the new bill, men surely not more competent than a judge sitting in his own court in Westminster-hall, were to form the tribunal. Let the honourable and learned gentleman recollect, however, that if there really was any ground to complain of an improper decision in the cause of the Armenians and Governor Verelst, that cause was a civil action for damages, and all civil actions for damages were left exactly where they were before, by the existing act of 1786. The whole of the argument, therefore, which could be drawn out of the cause of Governor Verelst, fell to the ground, and was perfectly inapplicable, as a justification of the new judicature. With regard to the other cause mentioned by the honourable and learned gentleman, that in respect to Lord Pigot, it was clearly a criminal case, but he had never heard the verdict complained of. The public had, indeed, complained of the judgment, and that on the ground of the inadequate fine levied. As the honourable and learned gentleman had thought proper to infer, that the jury were half asleep before the trial was brought to a conclusion, he (Mr. Burke) trusted that it would not be straining the point too violently to suppose that the act of 1786 had now a new feature. It was a specific against somnolency. It spoke to that House in clear and audible language. It said, "Sleep no more," in such emphatic terms, that from thenceforward he should imagine that such a phænomenon as a sleeping member of parliament would never be seen. He could scarcely now credit what his eyes had formerly beheld, and doubted whether he had been himself awake, when he had seen one member nodding in one part of the House, a second lolling at his length in sound but not quite silent somnolency in another, and a third, a fourth, a fifth, and so on, fast asleep in others. Whatever had happened,

the whole House was hereafter to keep wide awake, let the hour of debate be protracted ever so long.

Mr. Burke next resumed his inquiry into the great difference between members of parliament and peers, and the individuals that usually composed the juries who heard and determined in the courts below. The honourable and learned gentleman, he observed, had said, that men who went to ale-houses and read pamphlets, were not fit to decide on cases of Indian delinquency. To be sure, members of parliament and peers did not usually go much to ale-houses, but then they went to taverns and coffee-houses; they drank wine at clubs of various descriptions: but generous wine and good coffee, he supposed, were deemed excellent qualifications for the mind of a man likely to become a member of the new tribunal. Wine enlarged the understanding, and unlocked the dormant faculties of the soul. It made men liberal, and it made them eloquent. Coffee, on the other hand, cleared the head and purified the judgment. It must consequently enable men to see with precision and decide with wisdom. There was, therefore, something in the argument, that those who drank wine and coffee were better qualified to judge and determine than those who drank punch and beer, and such like beverage. But then the honourable and learned gentleman had stated another objection, and that was this: men who read pamphlets were not fit to sit as jurymen in causes of Indian delinquency. Pythagoras said to his disciples, ‘*abstine à verbis* ;’ but he had never heard of such maxims as ‘*abstine à pennis*,’ or ‘*abstine à pamphletis* ;’ and he was afraid, that, so far from members of parliament being in that respect properly qualified, the only sure way to get a tribunal so as to meet the honourable and learned gentleman’s definition, would be to choose no persons members but such as could neither write nor read.

Mr. Burke contended, that the new judicature was infinitely the worst sort of jury that could be instituted, because it had one of the greatest objections belonging to it that

could belong to any panel. The members of it were nominated by the minister, and it was known, soon after the commencement of every session, who they were. This, as gentlemen would see, must expose them to applications of every sort, and they all knew, as members, what sort of applications were made to them when personal questions were likely to be agitated in that House. A jury in the courts below, on the contrary, were unknown till the time they were sworn, and, for a variety of reasons, were not liable to previous application from the parties in whose cause they were to decide. He pressed this upon the consideration of the House, as a matter by no means immaterial or unimportant. He next took notice of the clause in the act of 1786, taking away from the Company all right to compound causes with their servants, and enlarged upon it as a matter highly prejudicial to the Company's interests, declaring that he looked upon compounding, in many cases that might possibly occur, as nothing more than taking five shillings in the pound, which, where the debt was large, was often a recovery of a considerable sum, and which, by being disallowed in future, could not but prove the cause of great loss to the Company. He mentioned Mr. Arnot's book on the criminal laws of Scotland, in terms of great commendation, and said, he doubted not but that a right honourable and learned gentleman opposite to him * had read it. In that book it was recorded, that the right honourable gentleman's father or grandfather was the man to whom his country stood indebted for the restoration of the inestimable right to trial by jury. That was an honour of which any man might be proud; and he hoped the right honourable gentleman did not mean to follow the example of those who lavish away their family estates, and idly abandon his family honour, by being himself the instrument of taking away the right to trial by jury, from the British subjects in India.

* Mr. Dundas.

Mr. Pitt declared, that he could not suffer the statement of Mr. Burke on a particular fact to pass unnoticed. The right honourable gentleman had stated, that those members of the judicature who were chosen out of that House, were, strictly speaking, appointed by the minister. If the right honourable gentleman meant generally to insinuate, that, in every act of the House, the influence of the minister was prevalent, he should not attempt to enter into the question, nor did he think such an insinuation decent or respectful to Parliament. But, with respect to the particular object immediately in the right honourable gentleman's contemplation, he wished the House to recollect for a moment what were the real circumstances of the case, before they suffered themselves to be led astray by the right honourable gentleman's misrepresentations. The fact was, that that House had no other interference in the choice of members for the East India judicature, than each gentleman furnishing a certain list of names, and every name that was found upon twenty of those lists was sent in one general list to the judges, who reduced that general list to the proper number by ballot; whence it followed, that so far from the minister having the absolute power of appointing the members of the judicature, it was possible that so small a minority as twenty might have the nomination.

Mr. BURKE said, that he could not avoid comparing the right honourable gentleman's manner of correcting him, to his having put his hand into a sack of grain, and produced a sample, to determine by that the goodness of the whole. But the authority of the right honourable gentleman alone, lent his contradiction weight. In effect, the judicature was chosen by the majority, and the majority only. Mr. Burke again resumed his argument against the bill of 1786; but on the gentlemen of the treasury-bench side of the House crying out 'Spoke, spoke,' he said he meant to move a new question, the question of adjournment. He proceeded to justify the above question, by declaring that the House in its present temper were not fit to decide on so important a question as that then under consideration. After a few more words to that effect, he again fell into an argument on the subject of the original

motion, declaring, that the deciding a judgment by a casting vote was in the highest degree indecent and improper.

Sir Richard Sutton said, that he must speak to order, and remonstrate against the right honourable gentleman's being suffered to proceed in so irregular a manner.—The Speaker desired Mr. Burke to confine himself to explanation merely; or if he meant to move the question of adjournment, to point his argument to that motion.—Mr. Fox vindicated the privilege which his right honourable friend had of moving the adjournment. With regard to the objection made against his not having spoken agreeably to order, certainly the same objection was against any other member who had not observed the same rule precisely. He admitted likewise, that if one gentleman conformed to order it was equally the duty of every other.—The Speaker now said, Heaven forbid that any thing which came from the chair should be partially directed against one gentleman, and not against another under the same circumstances. The reason he had taken the liberty to observe what he did was, in consequence of the right honourable member having moved an adjournment of a question without having offered the least argument in its support. This he considered against the received rules of the House, and therefore he had taken the liberty to offer what he had done. At length a violent coughing took place, upon which

Mr. BURKE declared, that as what he had said could not be answered, so neither could it be coughed away. He bowed obedience to the chair, but he could wish that it might be understood that the maxim held good '*Summum jus summa injuria.*' He added—I rise in support of the eternal principles of truth and justice, and those who cannot or dare not support them are endeavouring to cough them down.

A violent cry of 'Order, order!' immediately took place, after which the question of adjournment was put, and negatived without a division. The original question was then put, and the House divided: Yeas 21 : Noes 128. So it passed in the negative.

ARTICLES OF CHARGE AGAINST MR. HASTINGS.

February 19.

AT the opening of the session, on the 23d of January, 1787, Mr. Burke gave notice that he should renew the proceedings against Mr. Hastings on the 1st of February. That and the following day were spent in examining Mr. Middleton and Sir Elijah Impey; and on Wednesday, the 7th, Mr. Sheridan opened the third charge against Mr. Hastings, viz. the resumption of the jaghires, and the confiscation of the treasures of the princesses of Oude, the mother and grandmother of the reigning nabob. The subject of this charge was peculiarly fitted for displaying all the pathetic powers of eloquence; and never were they displayed with greater skill, force, and elegance, than upon this occasion. For five hours and a half Mr. Sheridan kept the attention of the House (which from the expectation of the day was uncommonly crowded) fascinated by his eloquence; and when he sat down, the whole House, the members, peers, and strangers, involuntarily joined in a tumult of applause, and adopted a mode of expressing their approbation, new and irregular in that House, by loudly and repeatedly clapping with their hands. Mr. Burke declared it to be the most astonishing effort of eloquence, argument, and wit united, of which there is any record or tradition. Mr. Sheridan's motion was carried, on a division, by 175 against 68. On the 19th of February,

Mr. BURKE rose to bespeak the attention of the House to a matter of considerable importance, and which he thought it incumbent upon him to suggest, though he did not mean to conclude what he had to say with any formal notice or motion. The subject he wished to call their attention to, was the impeachment of Mr. Hastings, the proceedings on which were now arrived to that sort of length that seemed to make it necessary that some step

be instituted, had sold out of the public funds very considerable sums of his property.

Major Scott, misapprehending that it was intended to insinuate that this property belonged to Mr. Hastings, got up to assure the House that he had no concern in it; and to declare upon his honour, that from the information he possessed relative to the affairs of Mr. Hastings, he could take upon him to assert that his whole fortune did not exceed 50,000*l*. Mr. Pitt defended the mode of proceeding adopted by the House, and did not conceive that they could with propriety resort to any other.

Mr. BURKE declared, that he had not insinuated that Mr. Hastings had sold out any part of his property. The person to whom he had alluded, was Sir Elijah Impey; but he begged to have it remembered, that he had barely stated to the House, that he had heard so: he was not bound, therefore, to prove the fact. With respect to the impeachment of Mr. Hastings, he certainly did not mean to abandon the articles that remained to be investigated, nor to rest the impeachment solely on the finding of the committee of inquiry, that there was matter of charge in the two articles already examined. The rest of the charges contained facts of a nature highly criminal, and he had little doubt but that the greater part of them would be established to the conviction of the committee: if, however, no one of the remaining articles should be determined to contain matter of charge, he should nevertheless think, that there was ample ground for impeachment in the two articles already decided. But what he had said, was, not that he should do either of the things already alluded to, but that if the House should be of opinion with him to proceed with the impeachment, that then he should lodge the charge with the House of Lords, accompanying it with a notice, that the Commons were preparing the articles.

February 20.

THE House being in a committee on the charges, Mr. Dundas rose and said, that as notice had been given that a charge of a serious nature would be brought forward against Sir Elijah Impey, he would suggest to those concerned in the prosecution, that it would be inconsistent with the justice, the candour, and the benevolence of that House, to call and examine a gentleman as a witness at their bar, and then to make his evidence the ground of future crimination against him. Sir Gilbert Elliott said, that though he had determined, from a review of his general conduct, to move for an impeachment against Sir Elijah Impey, yet the House could not think of waving the advantage of any information it could possibly obtain. The subject of the present examination, however, did not come, as far as he knew at present, within the limits of his intended charge, although the latter went to affect nearly the whole of Sir Elijah's conduct, as he looked on him, by his extra-official interference, to have had a share in some of the most guilty transactions that had taken place in India.

Mr. BURKE contended, that if it was to be established as a rule, that no person who might be afterwards impeached should give evidence relating to that on which he might be impeached, it would be impossible to gain any evidence. Mr. Hastings had destroyed all official information; no evidence could be gained there; it must, then, be procured from his confidential agents, of whom Sir Elijah Impey was one. He added, that upon this occasion, he must be regarded as certainly not the least insignificant party concerned, and therefore it was material for him, as prosecutor of Mr. Hastings, to lose none of the rights of prosecution: the prosecutor could not insist on the evidence criminating himself; nor was it to be supposed that Sir Elijah would be led into any self-examination. That gentleman was not as ignorant as a poor rustic; he had filled important situations. He was private secretary to Mr. Hastings, and was possessed of the prin-

cipal part of the correspondence relative to Farruckabad. If gentlemen contended against admitting Sir Elijah's evidence, he certainly would take the sense of the committee upon it. Parliament examined the South-sea directors, and afterwards impeached them.

Mr. Pitt was of the same opinion with Mr. Dundas, but had no objection to Sir Elijah's being examined. He thought it would be proper for the chairman to give notice to Sir Elijah, that it was probable he might be impeached, and that the circumstances on which he was to be examined might be connected with the charges against him.

Mr. BURKE had no objection to this. He contended, that if a minister was impeached, it would not be thought improper to examine the secretaries of state, though an impeachment might be lodged against them for their share in the business. He was certain that if an impeachment were lodged against the right honourable the chancellor of the exchequer, for corruption in office, for speculation, or even for the French treaty, the secretaries and his other colleagues might be called on to give their evidence, though they themselves might be afterwards impeached.

It was at length agreed that the chairman should inform Sir Elijah Impey, that a criminal prosecution might be instituted against him for extra-official and other conduct, during his residence in India, and that the circumstances on which he was to be examined, might be connected with the charges exhibited against him. Sir Elijah was then called, and the chairman having given him the above information, Sir Elijah said, "I thank you, Sir; but being conscious of no guilt, and there being no part of my conduct which I wish to secrete, I have no objection to give the committee the fullest information in my power." Mr. Burke then proceeded in the examination:

March 2.

THIS day Mr. Pelham opened the fourth charge, the subject of which was the corrupt and oppressive conduct of Mr. Hastings towards the nabob of Farruckabad. After he had gone through the charge, and Major Scott had been heard in reply, Mr. Dundas rose and said, there were two points necessary to be cleared up, before he could bring himself to vote for Mr. Hastings on the present question. The first related to the breach of the treaty of Chunar. This treaty he confessed that he never liked, and always regretted its having been made; his prejudice therefore against the treaty might naturally operate in reconciling him to the breach of it, provided it could be plausibly defended. It was not impossible but there might have been some desirable object in view in the making of the treaty, which might justify that measure, notwithstanding it was evident that a necessity would occur of breaking it. If this was the case, he should then admit that it was a *bad* way of doing a *good* thing, and be induced to excuse it, particularly if the same good end could not have been obtained by more direct means. But what this desirable object was, and how it happened to be only attainable by such indirect, circuitous, and objectionable means, he expected to have fully explained before he could bring himself to look upon the transaction as innocent or excusable; and as yet he had never heard any such explanation attempted. He should also expect to hear of some actual necessity having existed for the recall of Mr. Shee, seeing that Mr. Hastings knew, and expressly acknowledged, that by such recall either the nabob of Farruckabad must be sacrificed to the nabob vizier, or else be abandoned to the dangerous and destructive management of his own family and servants. Unless he should receive a full answer to these two points, he should certainly feel himself indispensably bound to vote for the motion, provided it was persisted in; yet he could not but give a caution to the gentleman who had brought forward the charge, to reflect whether it would be worth while to prosecute it to the other House, as it appeared not likely, if substantiated, to add much to Mr. Hastings's criminality or punishment, and would require a vast volume of evidence to prove. This he only submitted to his discretion, for if the

question were to be put, he must vote for it, unless he should receive complete satisfaction on the two points he had already stated.

Mr. BURKE declared, that the charge consisted of a number of complicated crimes; each of them, in his mind, of a most heinous nature, each serving to throw light upon and prove the other. He said it was peculiar to Mr. Hastings to do every thing in an indirect way, and to blend his most serious transactions with such a heap of farcical mummery, that there was scarcely an instance in which he had not carried his despotic powers to their highest extent, and manifested the most violent degree of oppression and tyranny; but that although the tragical event was sure to excite horror, the means by which it was effected had always something in it which provoked ridicule. An example of this was, no doubt, to be found in the whimsical scene, which must have presented itself to the beholder, could any person have been present at Chunar when Mr. Hastings was employed in juggling the nabob vizier to sign a treaty, which treaty he knew at the time there would be an absolute necessity to break soon afterwards, and with the conditions of which he never meant to comply. Mr. Burke here imagined Mr. Hastings, the nabob of Oude, and Mr. Middleton, to be in the same room together, and described Mr. Hastings as presenting one treaty to the vizier, and when he was ready to sign it, suddenly drawing another treaty out of his pocket, and slipping it before the nabob, telling him, either himself or by Mr. Middleton, that as he must have a very different treaty to show in Leadenhall-street, from that which they meant to act under, he begged he would sign that, but that he would comply with the conditions of the other; for though he had often broken his faith, and meant to do so again, yet that he might rest assured he would be honest to him. Mr. Burke urged some arguments to prove that the taking 100,000*l.* of a man in such known distress as the nabob of Oude was at the moment when

Mr. Hastings took it, and when he stood so deeply indebted to the Company, was corrupt and scandalous; and that nothing could be more wicked than the making a treaty and pledging the faith of the Company thereto, when at the time the contracting party in their behalf knew that he should himself create the necessity of breaking it, and thus wantonly violate a solemn engagement. This was surely a most criminal act, and alone deserved to draw down the heavy arm of justice on the delinquent capable of such conduct. What had been said by the right honourable gentleman ought certainly to have its weight, because they could not, in a proceeding of so much importance, measure their steps with too much prudence. "*Nullum in mun abest, si sit prudentia.*" Let it, however, be remembered, that they were not yet arrived at the day, when it would be necessary to determine which of the articles it would, upon principles of prudence and expediency, be fit to go up with to the House of Lords.

The Committee divided on Mr. Pelham's motion: Yeas 112 : Noes 50.

March 7.

Mr. BURKE rose to call the attention of the House to the many difficulties, with which the gentlemen, who had to furnish the House with the evidence necessary for substantiating the charges against Mr. Hastings, had to labour. It was well known that the servants of the Company were under an obligation to send home copies of all their various correspondence, as well with each other as with the natives, on the business of the Company, in order not only that the directors at home might be fully masters of all which passed in India, affecting their interests, but also that proofs of the conduct of their servants there might be lodged here at the India House, as a body of evidence to convict them of inconsistency, negligence, or disobedience,

should their conduct be inconsistent, or negligent, or disobedient, as the case might happen. This was undoubtedly a necessary and wise precaution, yet it was more or less useful as the rule was rigidly adhered to. In the case of Mr. Hastings, the most glaring instances of disobedience of this rule had occurred. Whenever the late governor-general thought proper, he mutilated, garbled, or suppressed his correspondence; and one of the great difficulties of carrying on the prosecution against that gentleman arose from this circumstance, a circumstance involving in itself a charge of very considerable weight and importance. Another difficulty originated from their ignorance what papers to call for. Mr. Burke, instancing the late charge, said, that he had called for the Farruckabad papers, and he thought that all of them had been presented; but a member of that House (Major Scott) had afterwards called for others, and had thereby furnished the House with the Persian correspondence, which proved to be material. Mr. Burke observed, that the attorney of Mr. Hastings was the attorney of the India Company, in defence of whose rights, and for the punishment of whose servants that House was now carrying on a prosecution. He begged leave to point out the manifest advantage which this circumstance gave Mr. Hastings over the House; for while they were groping in the dark, and guessing at what papers they ought to call for, Mr. Hastings's attorney, who had daily access to all the Company's papers, might lay his hand on any of them, and come to the bar of the House of Lords, and there produce some paper or other, to overturn the whole of the evidence which they had been able to come at, and assist Mr. Hastings to laugh at the prosecution. It appeared, that a correspondence was kept back, which would show the remonstrances of the nabob of Oude against any of these measures alleged to be taken at his express suggestion; and what was more, there was also a suppression of the whole of the Persian correspondence, which, with respect to this point, was undoubtedly very material. As a proof of the very incorrect and

suspicious manner in which these papers were disposed of, Mr. Burke instanced the circumstance of many of them being in the possession of the chief justice, Sir Elijah Impey, instead of Mr. Middleton, the resident, to whose department they most properly belonged. The House, then, would perceive the extreme inconvenience under which the gentlemen laboured who were engaged in the prosecution. They were obliged to grope their way and guess at those papers, which might prove elucidatory of the subject. Mr. Burke submitted these matters to the consideration of the House, and concluded with moving a string of motions for papers, which were granted.

March 15.

THIS day, the charge relative to contracts and salaries was opened by Sir James Erskine. Mr. Pitt immediately followed, declaring that he rose so early in the debate for the purpose of bringing the question within a narrower compass, and of consequently shortening the debate. The charge, he said, might be divided into three distinct parts; the first relating to the extravagant terms of the contracts, and the violation of the Company's orders in making them; the second, to the increased salary to Sir Eyre Coote; and the third, to the unwarrantable excess of the civil expenditure during his administration. With regard to the contracts, he thought some of them too insignificant to be entitled to any discussion whatever in parliament, with a view to impeachment; and others were so circumstanced in point of time, as to be extremely unfit to be made a ground of criminal charge against Mr. Hastings. Out of these therefore he should only except two, the contract for bullocks in 1779, and the opium contract in 1781; in both of which there appeared evident circumstances of criminality, and strong ground for suspicion of corruption. The second article appeared to him of more prominent magnitude than any other part of the charge, viz. the increased salary given to Sir Eyre Coote, in avowed and unqualified disobedience of the Company's orders, and the imposing the payment of that additional salary on a prince closely connected with the Company, and

... paid to the Bengal government a fixed and stipulated salary which, he said, was a gross and manifest violation of the duty of the Company, and a perversion of the power entrusted to him by his office. His continuing this salary in an underhand and covert manner, after a particular prohibition from the directors, was a shameful and disgraceful evasion of his duty, and one which highly merited the censure of parliament, and that part of the charge should consequently have his most hearty concurrence. As to the third branch of the charge, that relating to a corrupt profusion in the civil expenditure, it was a subject, which he should by no means consent to make any part of a criminal charge, because it did not appear substantiated upon grounds sufficiently strong to warrant the House to include it in a matter of impeachment. This led him to suggest a few considerations to those gentlemen who had taken the lead in the prosecution. After what had already passed, he believed there was no one who had any regard to the dignity of parliament, or to the ends of public and substantial justice, that could have any wish but to forward it as much as possible, and to bring it before the other House, in the most unquestionable shape. But he conceived that it was by no means the best way to the end they had in view to clog it with useless, unnecessary, and impracticable matter. To strip it of all such was the most advisable thing for the House to endeavour; and he wished the right honourable gentleman who had taken so active a part in the business, would, on some early day, ascertain and determine on such charges as he intended to bring forward; as there were many of those already before the House, that he was certain could never be made out in proof, or if they could, were not of sufficient criminality to excuse and warrant the present mode of proceeding. For the several reasons therefore which he had given in the course of his speech, he said, he should propose an amendment to the present motion, which, if it should be adopted by the House, would leave him at liberty to vote for the general question: his amendment was to add the following words to the motion: "In respect to the contract for bullocks in the year 1779; that for opium in the year 1781; and to the increased salary of Sir Eyre Coote."

Mr. BURKE declared, that he had never heard a more business-like speech, nor a more masterly detail of facts

with apter illustrations, more sound reasoning, or more pertinent remark, than those of the honourable baronet who opened the debate. His speech was a wonderful display of ability from so young a man. He begged leave also to inform the right honourable gentleman who spoke last, that he considered his observations as amicable, and as such he deserved his best acknowledgments for them. It was certainly his object to bring matters to a conclusion as soon as possible, consistently with the dignity and justice of the House. But how this end was to be accomplished he was perfectly at a loss to determine. He knew not what matter, in the different articles of the charges which he had brought forward, to retain, and what to reject. All appeared to him to be of much consequence; but what points were of more, and what of less importance, he could not easily decide; nor did he know whether on this subject he could safely trust to his own judgment. In fact, he resembled, in his present situation, a ship-master, who was under the necessity of throwing some of the cargo overboard; but what articles he was to commit to the waves, and how he was to lighten the vessel, he was perfectly at a loss to determine; nay, he was afraid to enter on this office, lest gentlemen should afterwards tell him, "You indeed at first furnished yourself with an excellent cargo; many of your materials were of the very best quality; but whilst you have retained trifles, the articles of greatest value you have indiscriminately thrown overboard and consigned to the waves." He was therefore fearful of beginning a business which might prove in the end so hurtful to that cause, which it was originally his concern, and had now become that of the committee, to have brought to a proper issue. Nor did he see that there was any reason for delaying the carrying of the impeachment to the bar of the House of Peers, till such time as the committee had gone through, and decided on each article of charge. This had not been customary in conducting matters of this kind. In the case of Dr. Sacheverel, the very opposite mode of procedure had been adopted; and so strongly was this pre-

cedent in point, that no other cause could be assigned the House adopting this line of conduct, than this one, that they seemed determined, by carrying up articles of impeachment after articles of impeachment, to maintain a right which they had long been in possession of, and that instance were resolved not to abandon. The charges on which the committee had determined, were grave and interesting; but there were others of no less moment than those which had been brought forward; and to abandon those, would amount to an act of public injustice, and would be treachery to that cause in which they were now so laudably engaged.

With regard to the remarks which had been made by the right honourable gentleman on the variety of matters contained in the charge under deliberation, he could not entirely concur with him in opinion; nor could he think it allowable, by allowing some of those points, which, agreeably to the amendment, he had wished to omit, to be entirely rejected. The points contained in the charge were multifarious; notwithstanding their variety, they had one common object: that object was, to show that Mr. Hastings's government had been prodigal and corrupt. It was to illustrate this feature in his administration, and to prove that he acted on system, and that that system was depraved, to which he had brought forward so many examples. This had been his main concern; and to characterize the government of any person, it was absolutely necessary to take into the account a great variety of acts. In vindication of Mr. Hastings, it had been alleged, that he had not been criminated by those who were superior to him. But was this a solid argument in his favour? Could it with any decency be urged, that, because a person in office, who had suffered himself to be corrupted; who, in that station in which he had been placed, had been guilty of speculation, and various other misdemeanors, incompatible with the character of a man of confidence; and who, notwithstanding all these depravities, had escaped either the eye or the censure of his superiors; could it be urged, that he was

this account to be vindicated ; that he was on this account to be absolved from those crimes, which, owing to a fortunate revolution of affairs, had been brought to light, and were likely to become the objects of national justice? No ; the plea was inadmissible. If any person employed by the right honourable gentleman who spoke last, were to betray the trust reposed in him, and if, after ten years had passed away, this misconduct were to be detected, would it form any apology in behalf of such a culprit, that he had escaped the censure of the right honourable gentleman under whom he had been engaged? Would this circumstance exculpate him in the eye of the House, or before the tribunal of justice? It certainly would not. But, with respect to Mr. Hastings, the fact was, he had not only corrupted India, but he had also corrupted the court of directors, who were his superiors. He had blinded their eyes; and this circumstance was a principal cause why his conduct had not been stigmatized by their marked disapprobation. But to assert, that on this account he was to be vindicated, was as absurd as to affirm, that because robbery was now, perhaps, more frequent than in any former period, the law therefore tolerated it, and it was on this account excusable.

But he wished to enter into an examination of those points to which the right honourable gentleman had objected, and which it was his object to separate from being grounds of charge. The rice contract was one of them. Did he recollect that this very contract, which was intended for the preservation of Madras in the first instance, was to be executed at the risk of destroying Bengal? And why was this sacrifice to be made? For the express purpose of gratifying Mr. Auriol. And was there no other way by which this gentleman could have been recompensed for his meritorious poverty? What was the sacrifice of public interest which had been made on this occasion? Had not the merchants promised to procure the rice at five per cent.? Why then give Mr. Auriol an enormous benefit of fifteen? Was this douceur likely to qualify him the better for discharging the duties of his engagement ; or was there

any thing in his habits of life to entitle him to so extraordinary a preference? He was out of trade: he had no capital: he had nothing to justify his being put on the same footing with those whose profession was mercantile, who were ready to act on the shortest notice, and who, of course, could have undertaken the execution of this contract with more facility, and on more reasonable terms than Mr. Auriol. But this contract was not confined in its operation to Madras. It extended to Bencoolen—to St. Helena, which was almost at our own door—and to Bombay, where, notwithstanding the jobbing mood which they were not unfrequently in, in that part of the world, they had been astonished at the circumstance of being supplied with rice, at double the price they could have procured it for themselves. This mode of rewarding people for their services, he considered as highly impolitic and dangerous; increase of salary was surely a much wiser method—for, to encourage the hope of recompense by the means of contract, what was it but to exhibit a motive to induce mankind to rob the public? ..

The next point on which he animadverted, was the duty on salt. There he also alleged, that a most shameful alienation of the public money had obtained; for the first commissioner had a yearly income of 18,000*l.* given him, which was certainly extravagant, and an eminent example of that corruption, which distinguished the government of Mr. Hastings. Mr. Hastings had acted as the agent of the Company against the Company—and for what reason? Who was Mr. Belli? His own private secretary. And when a person of this description got a gratuity of thirty per cent. on a contract which could have been executed for twenty, and when this contract was extended, in the very face of the orders of the court of directors, during five years—was there not something in this mode of conduct to justify, what was more than suspicion, a rational presumption of criminality? Feeling, therefore, the importance of all these considerations to illustrate the general feature of Mr. Hastings's government, he thought it would be im-

proper to omit them, and therefore he would propose an amendment to the one made by the right honourable gentleman, including the agency for rice, the salt-duty, and the other articles on which he had enlarged in the course of his remarks.

The committee divided, first, upon Mr. Burke's amendment, which was carried by 66 against 57; and then upon the main question, which was carried by 60 against 27.

March 22.

THIS day Mr. Dundas took occasion to offer to the House a few hints relative to the proceeding in which they had been for some time engaged. He then remonstrated on the practice of calling for voluminous papers just a day or two before every new and separate charge was about to be opened. Such a custom must tend not only to confuse gentlemen's minds, and keep them in continual labour, but had a very awkward appearance. Either, when the right honourable gentleman opposite to him made his charges first, he was satisfied that he was in possession of sufficient evidence to support them, or he was not. If he had been satisfied, why call for more papers just a day or two before every charge was to be opened? He would move, for the future, that no papers should be asked for, or granted, unless gentlemen came and stated, that upon a closer examination of the particular charge they had undertaken to move, they discovered that certain links in the chain of evidence, necessary to support the proof of the facts stated in the charge, were wanting; and upon such an assertion made out to the satisfaction of the House, no gentleman would be so unreasonable as to refuse the granting of those papers. Another consideration which he wished to submit to gentlemen was, the state and situation of the intended impeachment, and the period of the year. Every gentleman must, he conceived, be extremely desirous to have the impeachment go up to the House of Lords in sufficient time to have it put into a way of trial at least this session; and at any rate, it would, he should imagine, be disgraceful to that House, if they did not contrive to have done their part so far as to have formed the

articles of impeachment by the beginning of May, and to have enabled the House of Lords to proceed upon the trial in that month. He could not therefore help expressing his surprise, that the right honourable gentleman opposite had not moved to report the resolutions come to by the House, and also the necessary questions upon them, so that those professional persons versant in the nature of legal evidence, and the practice in cases of criminal proceeding, whose assistance, he presumed, would naturally be looked to, might, while the committee were inquiring into such remaining charges as were meant to be brought forward, be at the same time going on in forming the articles of impeachment to be ultimately carried up to the House of Lords.

Mr. BURKE thanked the right honourable gentleman for the propositions which he had made, and the very judicious observations with which he had accompanied them. He gratefully accepted the propositions, and would certainly adopt them; but the right honourable gentleman must permit him to say a few words on some parts of what he had urged. With regard to calling for papers, he was willing to agree to call for no more, but upon the condition suggested by the right honourable gentleman; and he could assure him, that he had not called for any in the course of the present session, or scarcely any, for the purpose of satisfying his own mind as to any one of the charges, or of the facts contained in them. His own mind had been long since completely satisfied; but he had called for them to satisfy the minds of others, and in order to remove doubts stated and suggested in debate upon the charges already heard. When, therefore, it happened to him that a paper would tend at one and the same time to elucidate passages and parts of any charge about to be opened to the committee, and to clear up and remove doubts that had been stated respecting any parts or passages of charges already examined into, he had thought it right to call for that paper; but he had never called for an unimportant paper, or unnecessarily put papers upon the table. With regard to the conduct of the impeachment, most certainly the aid of professional men,

men versed equally in the law of parliament and the law of evidence, must be obtained; for although he knew, from long experience, something of the law of parliament, and had in the course of his life looked frequently into law books on different subjects, he meant not to trust the issue of a matter so important in every point of view to so weak, uninformed, immature, and incompetent a head and understanding as his own. He had the utmost anxiety upon his mind, that the matter should go up to the lords in a shape regular, complete, formal, and perfect; that the House should not be liable to sustain the disgrace of having sent up and prepared an impeachment, every point of which did not *prima facie* appear to be significant of the gravity, caution, and solemnity which ought to mark the conduct of the House of Commons in such an awful proceeding. Mr. Burke expatiated on this idea, and said, that his whole attention had long been engrossed by the subject, and that there was not on record a proceeding at all similar which he had not consulted and closely examined; and he could not but acknowledge, that scarcely any one of them appeared to him to have been managed with due attention, or rendered in any proportion so complete and perfect, as, in his mind, it became the honour and dignity of that House to have made it. He mentioned some of the rights which had been claimed by that House on such occasions, and said, that although he should be very sorry that there should ultimately appear to be any real occasion to take advantage of them, yet he should hold it unwise, if, on the ensuing, or any other occasion, that House were entirely to abandon them. He mentioned one in particular, which former precedents justified, and that was, that the House should persist in its right of saying, at the bar of the House of Lords, "This article the House of Commons does not insist upon," and to exercise that right as often as occasion should render it necessary or discreet.

The House then resolved itself into a committee of the whole House on the charges against Mr. Hastings, in which Mr.

Windham opened the sixth charge, respecting Fyzoola Khan, the rajah of Rampore. Major Scott answered Mr. Windham; after which, Mr. Dundas rose, and stated the principal point, in which he thought the conduct of Mr. Hastings criminal, viz. the violation of the guarantee of the Company to the treaty of 1774. To that treaty he conceived Fyzoola Khan had every right to consider the Company as guarantee, in consequence of Colonel Champion's signing his name as an attestation of it, and of the subsequent public authorised attestation of it at Rampore. By the treaty of Chunar, in 1781, that guarantee was violated, and the British name brought into disgrace, as by an article of that treaty Fyzoola Khan was declared to have forfeited the protection of the British government, and permission was granted to the nabob vizier to resume his lands. That that permission was never intended to be suffered by Mr. Hastings to be carried into execution, Mr. Dundas declared, he verily believed; and in that circumstance consisted, in his mind, a great part of Mr. Hastings's criminality; as he thereby made use of the credit of the British name to delude the nabob vizier, and at the same time to hold out to Fyzoola Khan an idea that the British government, which was the guarantee to him for the quiet possession of Rampore, Shawabad, and some other districts, had stipulated by treaty to assist the nabob vizier in dispossessing him of those territories. He commented on the extreme criminality of this conduct; but as it certainly differed materially from the construction that might be put on the charge, viz. that it had been the intention of Mr. Hastings really to assist in dispossessing Fyzoola Khan of his territories, he could not agree to the motion unless it was modified and tempered so as to restrict it to the points in which the matter of impeachment, in his opinion, really consisted. The better to convey his meaning to the committee, Mr. Dundas said, he would produce the amendment he had designed to offer to the motion. It was in substance to state that in the charge there was matter of impeachment, as far as related to that part of the treaty of Chunar, which went to a breach of the guarantee of the treaty of Rampore. Mr. Dundas said, he did not mean to press his amendment, if it should appear to be disagreeable to gentlemen on the other side. He was aware he should have another opportunity of stating it, and enforcing its reception, when the question of impeachment came to be agitated.

Mr. BURKE applauded the candour of the right honourable and learned gentleman, in thus fairly stating what his objection was, as well as his conduct in declaring that he would not press it then, if not found generally acceptable. With regard to its having been no real intention of Mr. Hastings to dispossess Fyzoola Khan of his Jaghire, Mr. Burke said, the right honourable and learned gentleman might rest assured he never would make that a charge or a part of a charge against Mr. Hastings, which he could not support either by direct legal evidence, or presumption so strong, as to be nearly equal to direct legal evidence. If the right honourable and learned gentleman would have the goodness to recollect, he would undoubtedly have candour to acknowledge, that in the charge preferred by him, and in the argument of his right honourable friend, there had not been one syllable amounting to an insinuation, much less a charge, that it had been Mr. Hastings's real intention to assist in dispossessing Fyzoola Khan of his Jaghire; and the reason why there had not, was, because he had neither direct legal evidence, nor strong presumptive evidence to support such an insinuation. The great charge against Mr. Hastings in this case, was, that he had kept Fyzoola Khan in a fever for ten years together, in which that father of agriculture (for so Mr. Hastings had described him to be) was put into a perpetual series of hot and cold fits, not knowing whether he was to look up to the British government in India as his protectors or his oppressors. Mr. Burke said, he had that day to congratulate the committee on the singular circumstance of the honourable major, who had, so much to his own credit, and with a degree of zeal highly meritorious, on all occasions stood up the defender of Mr. Hastings, having declared that he had no defence to make against the present charge, and therefore he had gone back to the charge concerning the affairs of Farruckabad, and treated the committee with some verses inscribed on the bust of the late Earl Chatham. Those lines he had never before heard; but they were certainly beautiful, and he would do

the honourable major the justice to say, they had suffered nothing in his hands, for the delivery had been as fine as the poetry. The purport of them was to declare that the greatness of the country had risen by the councils of the late Earl of Chatham, and that after his death it had fallen. This poetry had been introduced by the honourable major in order to shew that India had in like manner risen by the government of Mr. Hastings, but that it was not likely to fall, notwithstanding that he had quitted his power. The similarity therefore had failed. If that were true, all that he could say was, that he wished Mr. Hastings to have as much justice done him as the late Earl of Chatham had in the instance in question, viz. to have an epitaph after he had his deserts. He wished the resolutions of that committee might not be the epitaph. The honourable major had besides talked of temples having been erected in India to Mr. Hastings. He knew not to the contrary, Mr. Burke said; but he well knew that there were temples dedicated in India to two very different sorts of divinities, to Brama and Wisnow, the good and guardian deities, to whom the natives returned thanks for the benefits they received, and to Rudor the evil spirit, whose unwearied enmity and malign influence they earnestly deprecated. Whether Mr. Hastings was most likely to have been worshipped in the latter or in the former character, that committee might be at no great loss to guess; or, perhaps, the temple in question might be a temple of gratitude, in which the Indians offered up their hearty thanks to their guardian deities, for having delivered them from a monster, under whose persecuting spirit they had suffered so much. Mr. Burke was extremely pleasant upon the temples, and said *Templa quam dilecta!* with an archness of tone that conveyed a meaning that raised a hearty laugh from both sides of the House.

After pushing his ridicule to some length, he reverted to the charge, and to Mr. Hastings's defence, in which that gentleman had himself admitted the truth of the charge, by using these words: "I am not ashamed to acknowledge,

that the act itself was formally wrong, and yet more than formally, as it might become a precedent for worse purposes." Mr. Burke reasoned upon this admission as comprehending the whole criminality imputed to Mr. Hastings in the charge, and in order to prove that the degree of criminality so imputed was enormous, he went over the principal facts, and argued upon them severally, as he proceeded. In the course of what he said, he paid Mr. Windham some compliments on the clear, logical, and pointed manner in which he had opened the charge, and observed, that Mr. Hastings was extremely fond of proving that other persons had shared with him in the guilt of certain parts of his conduct, and wherever he thought he could prove that he had acted with an accomplice, he always seemed to think himself immediately exonerated from criminality. On the present occasion, he had endeavoured to state that an honourable member, Mr. Francis, was his accomplice; a point on which the committee were on that night to decide. Mr. Burke stated what Mr. Francis's conduct had been, when he attended the council in Calcutta, wounded as he was; and shewed that Mr. Hastings was the man who misled the council, by declaring that five thousand cavalry was the exact number which, by the treaty of Rampore, the nabob Fyzoola Khan was to furnish the vizier with, when called upon. That circumstance alone, he said, so strongly marked the scandalous negligence with which the government of Mr. Hastings had been conducted, that it was a sufficient ground of impeachment. He observed also, how shameful it was that Mr. Bristow, at the distance of nine hundred miles from Calcutta, where the records of all treaties were kept, should be the person to send Mr. Hastings information what was the real purport of the treaty, upon a gross misconception of which he had acted, and that in a manner tending to disgrace the British government. After a variety of remarks and reasonings, all pointing to establish the extreme readiness which Fyzoola Khan had shewn to comply with the requisitions made upon him for cavalry;

that a great part of his troops had been employed in the defence of the province of Oude, and the territories of the nabob vizier, that Fyzoola Khan's character was revered by all the neighbouring princes, that no internal rebellion or external attack had disturbed his possessions, and that he had been most unwarrantably treated by the British government under Mr. Hastings, Mr. Burke concluded with declaring, that he had not a doubt of proving every part of the charge to the removal of the scruples of the right honourable and learned gentleman opposite to him, and to the conviction of every man who was not predetermined not to be convinced.

The committee divided : For the question 96 : Against it 37. The House being resumed, Mr. Pitt rose to express his wish, that before the House adjourned, a day might be fixed for bringing up the report of the committee. He should certainly, he said, give such a vote on the general question of the impeachment as would correspond with the part which he had already taken ; but he must at the same time observe, that having only partially acquiesced in the propriety of several of the charges, particularly in those concerning the affair of Benares, and the contracts, he should endeavour to bring the matter before the House in such a way, as would relieve him from the unpleasant alternative of being obliged either to dissent *in toto* from a proposition, to several parts of which he wished to give his concurrence, or to vote for one, which contained some circumstances to which he was adverse. But whether he should for this purpose make a separate motion, or only move an amendment when the business was brought before the House by those who conducted the prosecution, he was not as yet prepared to determine.

Mr. BURKE declared, that he approved of the right honourable gentleman's proposition ; and with regard to what he had said respecting the difference of opinion which subsisted between them upon certain parts of the charge relative to Benares, and that relative to the contracts, he trusted he would have the candour to keep his mind open upon those points, as he had no manner of doubt but that

he should be able, at a fit opportunity, to convince him, that they might both of them readily concur in the same vote.

The 2d day of April was then fixed upon for bringing up the report.

April 2.

THIS day Mr. Sheridan opened the seventh charge, relative to the corrupt receiving of bribes and presents. The motion was agreed to, after a long debate, and a division, by 165 against 54. The report from the committee appointed to consider of the several articles of charge against Mr. Hastings was then brought up by their chairman, Mr. St. John; and upon the question that it be now read a first time, Mr. Pitt observed, that in a business of such consequence as that in which they were engaged, he felt every successive stage become more and more important, and could not therefore repress his anxiety to preserve that degree of formality and regularity in the proceeding, which should leave him and other members at full liberty to deliver their votes, without hesitation, singly and exclusively, on the merits of the grand decisive question of impeachment, and free from any objections that might be made to the form in which that question should come forward. He therefore wished to know how Mr. Burke intended to proceed. For his part, having in some of the articles gone only a certain length in his assent, and by no means admitted a degree of guilt equal to that imputed in the charges, he could not think himself justified in joining in a general vote of impeachment, which might seem to countenance the whole of each several charge, those parts which he thought really criminal, as well as those which were of an exculpatory nature. The method which it was most advisable, in his opinion, to pursue, was to refer the charges to a committee, in order to select out of them the criminal matter, and frame it into articles of impeachment; and then, on those articles, when reported to the House, to move the question of impeachment. If, on the contrary, the mode adopted was, to move the impeachment immediately, he should find himself under a necessity of moving, on the report from the committee,

which had already sat on the charges, several amendments, confining the effects of each charge to that degree of real guilt, which he thought appeared in it.—Mr. Fox declared his opinion to be, that the report should be first taken into consideration, and if agreed to by the House, that the question of impeachment should immediately follow. This, he said, was most agreeable to the ancient constitutional mode, and best adapted to carry the views of every part of the House into execution. Mr. Frederick Montague observed, that the Journals afforded so multifarious a farrago of contradictory precedents, that it was difficult indeed to derive from them a judgment of what was the best mode of proceeding. He instanced the case of Lord Strafford and a variety of others, argued upon the different modes which had at that time prevailed, and concluded with observing, that, upon the present occasion, the most constitutional form of impeachment was that which merited adoption.

Mr. BURKE declared, that he never had risen under a greater pressure of embarrassment and doubt, than at the moment when a right honourable member so conversant in all the forms of proceeding in the House, as his right honourable friend who had spoken last, was rather at a loss to decide, and when consequently it became impossible for him, having just witnessed the utmost splendour of abilities displayed on both sides, in support of opposite positions, to determine on that which was the properest mode of proceeding to follow. But, though nothing could give him so much concern as to differ from his right honourable friend near him *, — and Heaven forbid that it should prove an omen of future frequent variances in opinion, in which case he well knew that the great superiority of his right honourable friend's abilities must bear down and extinguish his talents entirely, — yet as it appeared to him, that unanimity was most likely to continue, by adopting the mode of proceeding recommended by the right honourable gentleman opposite to him, he should advise against his own judg-

* Mr. Fox.

ment, (for if he gave any preference, it must be to the constitutional mode recommended by his right honourable friend near him,) that the mode so recommended, be the mode adopted and pursued. A mode which, however, appeared to him to be as likely to answer the end of dispatch as any other mode of proceeding whatsoever. Unanimity was now more essential than ever to the great purpose of conducting so important and solemn a proceeding to a proper conclusion, and he had observed, that in proportion as it had taken up time and become necessarily farther and farther discussed, the more the whole business of the inquiry had grown upon the public, and the more it had generated unanimity. Upon that principle, therefore, and that alone, he would recommend the mode proposed by the right honourable gentleman opposite to him. The effects of the inquiry with a view to impeachment had been glorious both in that House and without doors. Without doors men's minds had been changed, rooted prejudice had been eradicated, conviction had followed, and all the world confessed that the House of Commons were engaged in a grave and important proceeding, essential to the establishment of the national character for justice and equity. Within doors all the various modes and styles of eloquence had been called forth and displayed on both sides, to the admiration of the House, and to its infinite honour and advantage. Looking round him and seeing who were near him, he scarcely dared venture to speak farther upon a subject, in which recent experience had proved, that he found many masters much younger than himself. But, the topic operated as an excitement to the display of all the finer powers of the human understanding. It had gone much farther, softening almost into a common bond of union the hitherto obdurate hearts of violently contending politicians; sheathing the sword of embattled party, and lowering its hostile front; whilst, as it occasioned both eloquence and argument to spread themselves abroad in every quarter, the House of Commons, in which they

flourished, resembled the once beautiful aspect of the Rohilla country, and presented to the admiring eye a richly cultivated garden, adorned with fruits and flowers, and forming as luscious a scene as that which the late Governor General of Bengal had delighted to exterminate.

The report was ordered to be taken into further consideration on the following day.

April 3.

THE order of the day being read for taking into further consideration the report of the resolutions on the charges against Mr. Hastings, Major Scott rose and observed that he came to the House with an intention of opposing the resolutions being read a second time; but as a new mode of proceeding had been adopted, which would give him an opportunity of submitting what he had to offer to the consideration of the House, prior to the vote of impeachment, he should reserve himself until that time. Mr. Sheridan apprised the honourable major, that if he or any other friend of Mr. Hastings meant to urge the merits of Mr. Hastings by way of *set-off* against his criminality, they could not take a more favourable opportunity than the present. Upon this,

Mr. BURKE said, that he felt it necessary to protest, and that in the most solemn manner, against the entertaining, for a single moment, such an idea, as a *set-off*, against a pointed, positive, and direct personal criminal charge. A *set-off* could only be urged, where general criminality was imputed or suspected, against which it might be fair to plead general merits; but where a specific charge of criminality had been exhibited, it became an act of duty to put the party accused upon his trial, without regard to any merits which he might possess, in any part of his conduct. In the present case, it would be idle to talk of admitting the plea of any merits in Mr. Hastings as a *set-off*; and, indeed, if the general maxim to which he had just adverted, was not of itself sufficiently strong, two points were

urged by Mr. Hastings himself in his defence at the bar, which rendered any attempts to plead his merits as a *set-off* against his crimes impossible. These were, in the first place, Mr. Hastings's complaint against his accuser, for tardiness, in not bringing him to his trial with sufficient dispatch. Secondly, Mr. Hastings's declared disdain of any benefit which might result from having his general merits pleaded, either as a palliative, or a justification of his conduct. As to the person who stood forward as the accuser being charged with tardiness, he was ready to plead guilty to the allegation. That person ever had been, and ever would be slow to criminate; but when impelled by public duty to take up that character, he would always endeavour to remain steady and temperate. Mr. Burke alluded, in the course of his speech, to the argument of Mr. Hardinge on the doctrine of a *set-off*, delivered at an early period of the proceeding, and a matter better argued, or more clearly urged, he declared, that he had never heard. That honourable and learned gentleman had mentioned the case of Lord Clive, where the question had been, whether certain territorial possessions, obtained by Lord Clive, belonged to the East-India Company. That matter was inquired into, and it was decided, that the lands were their property. The next question would have been, whether Lord Clive had any right to hold in his hands territories belonging to the East-India Company? In that stage of the business, it was declared, that on account of Lord Clive's general merits, he should be allowed to continue in possession. Mr. Burke pointed out the difference between a case like this, and a case where serious and specific charges of criminality had been formally brought forward, investigated, and substantiated; and he added, that in the case of Mr. Hastings, after what that gentleman had himself said at the bar, it was impossible to think of admitting such a *set-off*, as could in no criminal prosecution be admitted, without rendering all future criminal prosecutions nugatory and useless.

The resolutions of the committee were agreed to, and Mr. Burke moved that they should be referred to a committee to prepare articles of impeachment upon the same, and that the committee consist of the following persons: Mr. Burke, Mr. Fox, Mr. Sheridan, Sir James Erskine, Mr. Thomas Pelham, Mr. Windham, Mr. Francis, Mr. St. John, Mr. Anstruther, Mr. Adam, Mr. M. A. Taylor, Mr. Welbore Ellis, Mr. Frederick Montague, Sir Grey Cooper, Sir Gilbert Elliot, Mr. Dudley Long, Lord Maitland, Mr. North, General Burgoyne, and Mr. Grey. A division took place upon the nomination of Mr. Francis, against whom it was objected, that in India he had been personally at variance with Mr. Hastings; and he was rejected by a majority of 96 to 44. It was afterwards moved in the usual forms, that the committee might be invested with the customary powers of calling for papers and witnesses, sitting where they pleased, &c. &c., and it was agreed, that it must necessarily be a secret committee.

On the 19th of April Mr. Francis opened the charge relative to the revenues of Bengal, and was answered by Major Scott. The motion was agreed to, upon a division, by 71 against 55. On the 25th of April, Mr. Burke brought up from the secret committee, the articles of impeachment, which being read a first time, were ordered to be printed, and to be taken into consideration on the 9th of May. Upon which day, on a motion that the report of the secret committee upon the articles of impeachment be read a second time, the House, after a debate, came to a division, when the numbers were, Yeas 175: Noes 89. After this the first article was read and agreed to without a division, and the rest deferred till the morrow, when they were read, amended, and agreed to. Mr. Burke then rose and moved, "That Warren Hastings, Esq. be impeached of high crimes and misdemeanors upon the said articles." The question was put and carried; after which Mr. Frederick Montague rose and said, that the motion he had now to make could not, he conceived, meet with any resistance after what had passed, as it appeared founded equally on principles of justice and humanity. He then moved, "That Mr. Burke, in the name of the House of Commons, and of all the Commons of Great Britain, do go to the bar of the House of Lords, and impeach Warren Hastings, Esq. late governor-general of Bengal, of high crimes and misdemeanors, and do acquaint the Lords,

that the Commons will, with all convenient speed, exhibit articles against him, and make good the same." The motion being agreed to, the majority of the House immediately attended Mr. Burke to the bar of the House of Peers, where Mr. Burke solemnly impeached Mr. Hastings in the form above recited.

EAST INDIA BUDGET.

May 7.

THIS day Mr. Dundas, as president of the board of controul, brought forward the financial state of British India. He conceived it, he said, highly improper that any part of the empire should be in the receipt of a revenue of five millions, and maintain an army of seventy or eighty thousand men, without its being known to the House of Commons how that revenue was disbursed, and why such an establishment was supported. The debt in India amounted to nine millions, the revenue of the last year afforded a surplus of 1,800,000*l.* and the Company would be able to discharge their debt in this country in the year 1790. Having stated these facts and opinions, Mr. Dundas moved a string of resolutions respecting the revenues of India.

Mr. BURKE said, that he rose with all civility and respect to the right honourable and learned gentleman who had opened the debate, and desired to join issue with him in declaring, that he verily believed he had no manner of reason to dread any enemy in India, unless that enemy were joined and supported by an European ally; but as such an event might possibly happen in the course of things, it was a matter to be looked to and provided against, as well as the nature of the case would permit. The contest of that day had been a contest between the right honourable and learned gentleman and Earl Cornwallis; the only way, therefore, to enable the committee to decide who was right,

for leave to bring in a bill, or bills, to prevent regrating, and for licensing salesmen, employed in the sale of cattle, or otherwise such other relief in the premises as to the meet." On the 16th, it was moved by Alder, and seconded by Alderman Newnham, that the petition be referred to the consideration of a committee. Alderman Townsend declared the motion to be of no necessity nor wisdom, nor fit for the House. There had been, he said, plenty of cattle at London, and as the season advanced, the price would undoubtedly be cheaper. He reminded the House of the laws against forestallers and regrators had been repealed on the recommendation of the present court of king's bench, and asked, if the House would suggest a committee of commoners to look into and revive what the deliberative wisdom of the House upon experience determined should no longer remain, some vexatious suits, he understood, now made by obsolete statutes, and if the present motion for vexatious prosecutions would be multiplied, the House would be obtained would be, that a few commoners might be fed more cheaply than at present. He thought that the House would not suffer the petition to be committed to a committee, and moved, that the motion be

refused, that he felt it difficult to refrain from saying, that he discovered that the worthy aldermen and council of London were so extremely concerned in it after dinner; for their abundance of plenitude about it. It was an ancient provision, but that the devil, as the saying is, he conceived, that having fed the commons, he would quarrel with the cooks; but he thought better of the matter. He begged pardon, that he was uneasy; for, if meat had been dear, the price of feeding cattle was also dear,

would have been for the right honourable and learned gentleman not to have kept back any part of the evidence, but to have acted in a more open and manly way, and to have let them have the whole of Earl Cornwallis's letter before them: by the word "whole" he did not mean the arguments of the noble earl respecting Indian politics; to those they had no pretensions; the subject was not before them, and, exclusive of the impropriety of making it public, they had nothing to do with it. For his part, the right honourable and learned gentleman would excuse him, if he declared that, considering that Earl Cornwallis was at the fountain head of intelligence, upon the spot where the transactions he alluded to were going on, he was inclined to prefer the moderate, cool, and confined ideas of the noble earl, respecting the future state of the Company's affairs in Bengal, to the more sanguine speculations of the right honourable and learned gentleman, though clothed with high authority, and possessed undoubtedly of the means of obtaining much authentic information on the subject. Mr. Burke mentioned the magnitude of the proposition of taking nine millions of debt out of Bengal, and adding it to our debt at home; and after dwelling upon the difficulty and the time the liquidating so large a debt would take up, proceeded to take notice of the idea of drawing near a million out of the revenues of Bengal to Madras and Bombay, and after that expecting that those revenues could bear to be appropriated to the purchase of investments. He treated these speculations as extravagant and impracticable: he said, that he did not know whether he ought to consider such symptoms as the faculty did the *facies Hippocratica*, as the symptoms of approaching death, or of the possibility of cure; but to draw such sums out of Bengal, without making any return of specie or wealth, appeared to him as unreasonable as to expect a human being to exist under a state of perpetual bleeding and purging, without administering the smallest portion of food to support such an exhausting practice. What was to fructify our provinces and to renovate their riches after we had drained them in such a

violent way? Instead of rice we should see nothing but fields of jungles or weeds, and instead of the race of men, the race of the royal tiger would increase and multiply; he explained the expression of the royal tiger to be symbolical of the British government, declaring, that as extraordinary power had longer claws than ordinary authority, so might it well be termed the royal tiger. Among other bad symptoms he spoke of the increased circulation of paper of Bengal at a high discount, and said, that if the fact were true that the Company paid their officers with paper, which they refused to receive back in payment themselves, the symptom wore an alarming aspect, and gave the case the appearance of desperation. He mentioned Mr. Larkin's plan of reducing the quantity of paper in circulation, and stated the circumstance of a large increase of paper in circulation, growing out of a plan of reduction, and attended with a larger discount than ever, to be another, and a worse symptom than any. He commended the idea of a fixed quit-rent as the only way of giving happiness and security to the landholders; and in answer to Mr. Dundas's declaration, that our provinces in India were the most flourishing, said, that it would be wonderful if they were not, when we had possessed ourselves of the finest provinces in India, lying between two rivers which would fertilize any country in the world, and containing the whole of that delightful coast, a small portion on the back parts excepted, from Bengal down to Cape Comorin. But it was not rightly stated by the right honourable and learned gentleman, when he said that our provinces were the most flourishing; there were some few others, he believed, more flourishing, and others again far worse. The rajah of Berar, for instance, governed in a province not to be talked of in comparison with Bengal (formerly called the Paradise of India), with Bahar, Orissa, Oude, and Benares: the face of the kingdom of Berar was covered with immense mountains and forests. But let it not be, said Mr. Burke, the right honourable and learned gentleman's boast, that the British provinces were finer and more fertile than the kingdom of Berar; let it be his

triumph to say, that under the British government the natives lived as happy, the soil was as productive, and the revenues were as ample, as under the native princes whom we had succeeded.

The resolutions moved by Mr. Dundas were agreed to.

LONDON PETITION AGAINST FORESTALLERS AND
REGRATORS.

May 16.

ON the 4th of May a petition was presented to the House from the Lord Mayor, Aldermen, and Commons of the city of London, in common council assembled, setting forth, * That the great advance in the price of meat, and other provisions, of late years, by distressing the middling and lower classes of people, has a tendency, in the apprehension of the petitioners, immediately to injure, and at length to destroy the manufactures and commerce of the kingdom; and that the petitioners are advised, and believe, that such advance has been partly occasioned, and is likely to increase, by the repeal, in the twelfth year of his present majesty, of most of the laws, which the wisdom and experience of our ancestors had found necessary to prevent forestalling and regrating cattle, and other articles of provision, and the petitioners apprehend the said evils may in some degree be removed, by reviving to a proper extent the laws against forestalling and regrating, and by ascertaining, licensing, and regulating, the persons employed as salesmen or factors in cattle and other provisions; and that the petitioners have entered into a very serious investigation of the cause of the said evils, which, from the importance of the subject, has occupied their attention for a great length of time, and has thereby prevented them from presenting a petition within the time limited by the House for receiving petitions for private bills: And therefore praying, That they may now be at liberty

to present a petition for leave to bring in a bill, or bills, to prevent forestalling and regrating, and for licensing salesmen, factors, and others, employed in the sale of cattle, or other provisions, or to have such other relief in the premises as to the House shall seem meet." On the 16th, it was moved by Alderman Le Mesurier, and seconded by Alderman Newnham, "That the said petition be referred to the consideration of a committee." Alderman Townsend declared the motion to be founded neither in necessity nor wisdom, nor fit for the House to countenance. There had been, he said, plenty of cattle at Smithfield all the winter, and as the season advanced, the price of butchers' meat would undoubtedly be cheaper. He reminded the House, that the laws against forestallers and regrators had long since been repealed on the recommendation of the present chief justice of the court of king's bench, and asked, if the House would, upon the suggestion of a committee of common council-men, go back and revive what the deliberative wisdom of the legislature had upon experience determined should no longer exist? There were some vexatious suits, he understood, now going on upon some obsolete statutes, and if the present motion were listened to, vexatious prosecutions would be multiplied, and the only object obtained would be, that a few common council-men would be fed more cheaply than at present. He hoped, therefore, that the House would not suffer the petition to be referred to a committee, and moved, that the motion be rejected.

Mr. BURKE observed, that he felt it difficult to refrain from smiling, whilst he discovered that the worthy aldermen and common council of London were so extremely anxious to be well fed. He presumed that the application to revive the laws against forestallers and regrators came from the aldermen concerned in it after dinner; for their petition had all the marks of plenitude about it. It was an old saying, that Heaven sent provisions, but that the devil sent cooks. So, in this case, he conceived, that having fed heartily, the aldermen went to quarrel with the cooks; but he advised them to think better of the matter. He begged them, at all events, not to be uneasy; for, if meat had been a little dear, when the price of feeding cattle was also dear,

triumph to say, that under the British - that there
tives lived as happy, the soil was and in conse-
revenues were as ample, as undrained showers down
we had succeeded.

The resolutions mov-

Wished to ensure the con-
tucked under their chins,
they should continue to make
he should oppose the motion
against regrators and forestallers.
of provisions, he advised them not
with the providers; but to let them
themselves. In the instance before the
petitioners certainly acted under a mistake; but
the city of London were respectable;
their very ignorance ought not to be despised; and in-
deed they were ignorant only as to the manner of their
being led, as every body well knew. As he had been the
humble instrument of moving the repeal of the laws against
forestallers and regrators, he wished to stand up and pre-
vent the dry bones of those gibbeted laws from being again
clothed with flesh, and called from their merited fate into
existence; but as he wished to treat the city of London
with good humour, as they were willing to treat every
body who visited them with good cheer, he hoped that so
harsh a measure as the rejection of their petition would
not be adopted; but that he might be permitted to move to
put off the consideration of the motion till the first of
August, by which time the aldermen would have had a suf-
ficient number of delicious dinners to convince them, in
their own way, of the impropriety of their purpose, as well
as of its being altogether unnecessary. Mr. Burke spoke of
the commerce in provisions, opposing it to commerce pro-
perly so called, and begged leave to ask the worthy alder-
man who had introduced the business, whether he was not
aware that a free commerce was that species of commerce
most likely to flourish and to prosper? Let him, there-
fore, ask himself whether a free commerce in provisions was

not likely to make a plentiful and a cheap market; and, as forestallers and regrators were in that kind of commerce, what the factor, the warehouseman, and the merchant were in the other, so let them alone, and then as great a variety and as large a quantity of provisions would be brought to London (of itself an absolute desert in that particular respect) as of muslins and silks and spices and teas from the East; of lumber and staves and rice from the West; of furs and timber and hemp and pitch and tar, from the North; of slaves and gold dust and drugs and colours from the South.

The motion for referring the petition to a committee was negatived without a division.

SUBSIDIARY TREATY WITH THE LANDGRAVE OF HESSE CASSEL.

December 5.

THE session of parliament was opened on the 27th of November, and on the 5th of December, Mr. Pitt moved, "That 36,093*l.* 15*s.* be granted to his majesty, for defraying the charge of subsidy which will be due to the Landgrave of Hesse Cassel for the year 1788, pursuant to treaty." Upon this occasion,

Mr. BURKE rose and declared, that although he had remained silent on the first day of the session, he had never given a vote with more heartfelt satisfaction; and he took that opportunity to declare, that he highly approved of the system of measures pursued with respect to Holland, and the renewal of continental connections. That was the system on which alone this country could expect to stand with safety and with honour. It was during our adherence to that system that Great Britain had been a glorious coun-

try, and the object of the admiration of surrounding nations. With regard to the constitution of other countries, he agreed perfectly with his right honourable friend *, in the opinion delivered by him on a former day, that it was not necessary for us to trouble ourselves with definitions of the legality of the government of this or that country, or the strict construction of its constitution ; but, it was enough if we saw an opportunity of restoring that party to power, which was most likely to prove a valuable friend to Great Britain in the day of future difficulty. The law of nations allowed this, and it was certainly right to seize upon such an opportunity whenever it offered. Another maxim he held as a maxim of sound policy to pursue, and that was, where the interference of France could be counteracted, and her influence deprived of its power, to seize the moment and the means of effecting both objects. We could not be in the wrong, whenever this was probable to be atchieved. It was enough to know, that a French party in Holland had prevailed, for us to endeavour to drive that French party away, and disarm it of its power. With regard to subsidiary treaties as applicable to continental connections and a necessary branch of that system, generally considered, they were wise measures. But in proportion as the system was a system founded in sound policy, it ought to be constructed and put together with the most wary caution, so that all parts fitted and adhered closely, and gave the whole a degree of stability and strength to insure its permanency. The utmost care ought certainly to be taken to prevent such excellent systems from being disgraced and discredited by imperfections, and injurious consequences resulting from want of foresight at the period of the original negotiation and conclusion of subsidiary treaties. These mischievous consequences it was, that had put so many great and good men out of humour with them, and therefore in proportion to the real policy

* See Fox's Speeches, vol. iii. p. 333.

of the measure itself, a provident regard ought to be had to the prejudices of mankind in order at least not to make them less fond of them. Under this view of subsidiary treaties, much might be said of the treaty with the Landgrave of Hesse, the excellence or disadvantage of which depended on a variety of considerations and circumstances, of the existence of which he was wholly ignorant; but he was ready to grant ministers a bill of credit, for the existence of such of them as could alone constitute the treaty on the table a beneficial treaty for this country. Upon the face of it, and its prominent features considered, only, it was an advantage to Great Britain to engage in a treaty for that purpose with the Landgrave of Hesse, who was young, of a martial spirit, fond of military life, and an able general. The right honourable the chancellor of the exchequer had done wisely in giving the Landgrave what he called a retaining fee; because, if a fit cause should arise, the Landgrave of Hesse would prove an excellent counsel on our side, and would undoubtedly produce more powerful arguments in our behalf, than he feared, he should be able to produce in the cause in which he should shortly have to plead at the bar of the House of Lords. The Landgrave of Hesse was an able general, and as there were few able generals in the world, he had no objection to our having an able general in our service. But, the whole effect of the treaty was not, as the right honourable gentleman had stated it, merely the giving the Landgrave of Hesse a retaining fee of 36,000*l.* per annum; the Landgrave of Hesse was too wise a prince to engage to furnish Great Britain with 12,000 men, whenever required, for the mere paltry consideration of 150,000 banco crowns per annum. The quantum of banco crowns was not the only, nor, in fact, was it the most considerable advantage to be eventually derived from the treaty by the Landgrave. Those who looked at the treaty, and thought that it was merely a treaty of subsidy, left the great question out of the case, and judged only from one side of the object. By the treaty, this country stipulated to continue to guarantee the Landgrave of

Hesse, and might therefore be eventually involved in a war in consequence of it. Should that happen, instead of receiving the aid of 12,000 troops from the Landgrave, we should perhaps have to assist that prince with an army of 100,000 men. The right honourable gentleman could not deny this, because it was the *casus fœderis*, and in the treaty. It required, therefore, more consideration to form a judgment upon the balance of advantage and disadvantage likely to result from the treaty, than might have been at first imagined.

He took it for granted that ministers had taken, and were yet taking the necessary measures to guard against the Landgrave's being involved in a war, or to provide for his support in case of an attack, on account of his having made the present treaty. France was just now in an humiliated state, and had felt it prudent to withhold her arms and her resolutions; she could not, however, but be mortified at what had passed in Holland, and though from a variety of circumstances she chose to let her anger sleep, it ought to be remembered, that it was only asleep, but not extinct. France, it was well known, was a powerful nation, and could easily recruit her strength; an opportunity might offer to entice and encourage her to attack the Landgrave. If, therefore, the system of continental connections (of which he took the treaty to be a small part only) was not formed with a provision for that event, the system was an inadequate and a bad system, and of consequence the treaty a disadvantageous treaty. Looking at the treaty as a measure single and insulated, he declared that it was the last measure which he would give his consent to; but as a part of a system, it might be a wise measure, and as such he should vote for it. He took it for granted that Prussia was with us in the treaty, and that the Prussian monarch and not the Landgrave was the principal in it. He spoke of the advantages to be derived from an alliance between Great Britain, Prussia, Hesse, and Holland, in case of a war, and observed, that though it was material for us to take Holland out of the hands of France, in one point of view

only could she be regarded as a very useful ally to Great Britain in case of a war with France, and this was in giving us the advantage of her ports in the East Indies. In respect to aids of men and money from Holland we could not build much upon them. There were, however, other powers in Europe to be looked to for alliance; and in particular the emperor, who had abundant resources. Russia likewise was a most desirable ally, but both Russia and the emperor might now be thought to have their hands full. That circumstance, however, would continue for a time only, and both would probably be shortly disengaged. Russia had of late years grown to a state of considerable power and influence in the affairs of Europe, and had even been found to have her weight in the scale at a time when she stood single in a war with the Turks. With Russia and Prussia and Holland for our allies, he declared that he should little care for the rest of the world.

In treating of the recent transactions in Holland, Mr. Burke took occasion to mention the king's Speech, and said, it was usual to hold it out as a morsel of finished eloquence, and as a proof of the minister's powers of composition. The late Speech was certainly an extraordinary performance; but if any man was to make it, and the facts it contained, the grounds of historical narrative, he would certainly risk a good deal of ridicule. Instead of grave history, it partook more of the nature of an epic poem, rather resembling an agreeable allegory, or a romance in the style of ancient chivalry. It reminded him pretty strongly of *Palmerin of England*, *Don Bellianis of Greece*, and other books of that romantic nature, which he formerly had lost much of his time in reading. He was glad to find, however, that the gallantry of those kings and princes who had so eminently distinguished themselves when chivalry prevailed, was revived. Let any gentleman examine the vein in which the Speech proceeded, and he would instantly perceive the strong resemblance it bore to the subjects of ancient romance. A chivalrous king, hearing that a princess had been affronted, takes his lance,

assembles his knights, and determines to do her justice. He sets out, instantly, with his knights, in quest of adventures, and carries all before him, atchieving wonders in the cause of the injured princess. This reminded him of the ancient story of a princess named Latona, who, having been insulted by a nation, like the Dutch, appealed to Jupiter for satisfaction, when the god, in revenge for her wrongs, turned the nation that had affronted her, into a nation of frogs, and left them to live amongst dykes and waters. Mr. Burke remarked, that although the King of Prussia had, professedly, set out merely to obtain adequate satisfaction for the injury done his sister, his army *by accident* took Utrecht, possessed themselves of Amsterdam, restored the Stadtholder and the former government, and all this at a stroke, and *by the bye*—which put him in mind of a verse in Cowley's sprightly ballad of the Chronicle, which he had often read with pleasure :

But when Isabella came,
Arm'd with a resistless flame,
And th' artillery of her eye,
Whilst she proudly march'd about
Greater conquests to find out,
She beat out Susan, *by the bye*.

Mr. Burke enforced his former observations, that what had happened in Holland could not but remain lodged in the bosom of France, to be opportunely used, as a justification of some future quarrel and resentment on her part; and that we ought, therefore, to expect such an event, and by wise alliances to strengthen ourselves, and put it at a greater distance, as well as prepare against its arrival, let that happen when it might. He reminded the House of the objections and jealousies which this country had formerly made and manifested against the employment of foreign troops at home, and particularly in the year 1755, when the Hessians were last employed in England. At that period the popular alarm had increased to such a height,

that their dread of the danger which threatened at the time, was much less than their dread of the means resorted to for its prevention. Indeed, the great argument used in favour of the militia at its first institution by Lord Townshend, Lord Chatham, and other patriots, who were now sleeping in their graves, with their heads resting on their laurels, was, that the creating such an internal force for the immediate defence of the kingdom, would in future prevent the necessity of recurring to the unpopular expedient of employing foreign troops within the realm. Mr. Burke begged, in the mention of these facts, to be considered rather as the narrator of jealousies and sentiments which had prevailed, than as the foreteller of their revival in consequence of the present treaty with the Landgrave of Hesse. He trusted there would be no occasion to call them again into existence, and was willing to believe that ministers had providently guarded against the possibility of there being justifiable reasons for their future entertainment.

The motion was agreed to *nem. con.*

IMPEACHMENT OF MR. HASTINGS.

December 5.

IN consequence of the order of the House of Lords with which Mr. Hastings was served towards the close of the last session, to put in his answers to the charges exhibited against him by the Commons on the first Tuesday after the next meeting of parliament, on the prescribed day he appeared at the bar, and presented answers. Of these the Lords sent a copy to the House of Commons on the 5th of December. The answers being read short, *pro forma*, Mr. Burke moved, "that the said answers be referred to the consideration of a com-

mittee;" which having been agreed to, and Mr. Burke being named by Mr. Pitt as the first member, Mr. Burke then named Philip Francis, Esq. and, upon the question being put, the House divided, Ayes 23: Noes 97. Upon this,

Mr. BURKE rose and declared, that of such material assistance had the House deprived him, by rejecting Mr. Francis, that he scarcely knew how to proceed, and felt the cause to be in some degree damned by the recent act of the House. He reminded gentlemen of the seriousness and solemnity of the whole proceeding, a proceeding which, after deep and frequent deliberation, had been brought, step by step, to its present advanced stage, and ought to be continued during the remaining part of its progress with equal steadiness and uniformity. He admonished the House, that their conduct in this very important and grave transaction was a matter most highly interesting to the national character, and that, consequently, they were amenable for every one of their proceedings respecting it, at the high and awful tribunal of the public and the world at large. He pressed them to consider the dangerous effect of their appearing in the smallest degree to prevaricate or waver in the course of the prosecution, and urged the manifest injury and injustice of changing their committee, and rejecting any one of the members of the former committee without a reason previously assigned. A bad motive in their conduct, in their rejection, he said, he neither supposed to exist, nor would he charge the House with having harboured, or being influenced by it in their late vote; but the only presumable reasons for rejecting any one member of the former committee could be no other than two — either a general disqualification on general grounds, or a personal disqualification from inability or unfitness to assist in conducting the prosecution. Both these questions had been already decided, and the House would have acted wickedly and weakly in suffering his honourable friend, Mr. Francis, to take so great a part in the proceeding hitherto, and to have adopted his ideas,

if they had judged him to be disqualified to take a share in the business. The fact was, his honourable friend was most eminently qualified to assist in the prosecution; for through his superior knowledge of it had all the charge relative to the revenues been made out and established, and so greatly had he himself been aided and assisted by the information which he had received from his honourable friend, that he, in his honour and conscience declared, he felt himself disqualified from conducting the remainder of the prosecution safely and securely without him, and he meant and desired the declaration to be considered as given with all the solemnity of an oath, though a man need not be put upon his oath when confessing his own disqualification. It was for this reason, essential to himself, and essential to the House and their joint credit, he wished his honourable instructor and associate — for so he might justly term him — to have been continued a member of the committee. Why the House had by their recent vote thought proper to reject the future assistance of his honourable friend, he was utterly at a loss to guess. That those members who had uniformly expressed a disinclination to the prosecution, and in almost every stage of it endeavoured to put a stop to it, should have made a part of the majority on the late division was natural enough, because nothing could be more consistent than for those who had declared themselves adverse to any prosecution, to endeavour to take away the means of pursuing it, when once a prosecution was instituted; but, for many of the gentlemen of another description, who had cordially co-operated and assisted in the investigation, previous to the matter having assumed the regular shape and form of a criminal process, to concur in a vote which embarrassed and weakened the cause and endangered its ultimate success, was to him a circumstance altogether unaccountable. The committee then naming, was not the committee of managers, and therefore not of equal importance; but so fully was he convinced of the great utility and importance of the assistance of his honourable friend, and that he should feel himself,

who knew the subject as well as most men, so exceedingly crippled and enfeebled without the advantage of his honourable friend's superior information, that when the day for naming the next committee should come, he would again appeal to the sense of the House, and try to have his honourable friend reinstated.

Mr. Fox followed Mr. Burke, and appealed seriously to the gentlemen on the other side, upon one particular resulting from their late vote, by which they had thrown so great a discountenance on the prosecution; and that was, the necessity of filling the chasm in the committee, which they had occasioned by rejecting the only member who, from every consideration, appeared to be the most proper to be upon it. Mr. Fox, therefore, submitted it to the consideration of the other side of the House, whether it would not be right and becoming in them to supply the vacancy, by naming from among themselves some person of acknowledged information upon the subject. He suggested the right honourable gentleman at the head of the India board; but said, that he would agree to the nomination of any other well-informed gentleman, whom the other side of the House might consider as a proper person for their acceptance. No notice being taken of this address, Mr. Burke proceeded to nominate the committee, which consisted of the same persons as the former, with the addition of Mr. Wilbraham, Mr. Fitzpatrick, and Mr. Courtenay. Mr. Burke then moved, "that the committee be armed with the usual powers," which was agreed to. On the Friday following, Mr. Burke brought up from the committee a replication to the answers of Mr. Hastings, in which the Commons, in the usual form, aver their charges against the said Warren Hastings to be true, and that they will be ready to prove the same against him, at such convenient time and place as shall be appointed for that purpose. The replication was ordered, the next day of sitting, to be carried by Mr. Burke up to the Lords, who appointed the 13th of February, 1788, for proceeding upon the trial in Westminster-hall.

December 11.

THIS day Mr. Fox moved, "That Philip Francis, Esq. be added to the managers appointed to manage the impeachment of Warren Hastings, Esq." The motion occasioned an interesting debate. It was supported by Mr. Windham, Mr. Sheridan, General Burgoyne, and Mr. Burke; and opposed by Mr. Pitt, Mr. W. W. Grenville, Mr. Dundas, and Major Scott. Mr. Francis, in a very able speech, entered into an account of his conduct respecting Mr. Hastings, for the last thirteen years, both in India and England. In reply to the several arguments that had been urged against the motion,

Mr. BURKE rose and observed, that he could not let the question come to a vote without expressing the indignation he felt at the very extraordinary conduct of the gentlemen on the other side of the House, in the part they had taken in the debate of that day. Instead of fairly meeting the argument, and candidly giving their reasons for opposing the nomination of his honourable friend as one of the committee, they had taken a new ground, and had introduced into the senate the language of the toilette and the drawing-room. Was it fit and becoming in any member of that House, on a great and important public question, to say, that his feelings were so much hurt that he felt himself compelled to abandon investigation and argument that he might not violate his delicacy? What was delicacy?—it was a term to which no definite idea had been fixed, at best it was but a super-added flower to virtue—it was but the ruffle of the shirt—but here the shirt was laid aside, and the ruffle only remained. Delicacy and feeling might be very proper terms of speech to express the sensations felt in consequence of the exertions of an opera singer, or a performer on the violin and German flute; but was it fitting that the solemnity and dignity of parliamentary deliberation should be insulted by such unmeaning nonsense? In spite of all the respect which he entertained for the splendid

abilities of those with whom he acted, he could not avoid declaring, that the assistance of his honourable friend, Mr. Francis, was essentially necessary to enable the House of Commons to make good several of the most important charges in their impeachment. That relative to the revenue was not the only one which stood in need of his aid. Mr. Hastings, in his answer, had alleged, that to those who were acquainted with the local customs and prejudices of the East, it would be easy to account for many parts of his conduct in the administration of his government, which, perhaps, might incur the censure of those who were ignorant of oriental manners and customs. Was it not, therefore, necessary that, in the committee, there should be some person to whom they could appeal for information on this subject? If there was not, they must either abandon the charge altogether, or they must tell the House of Lords, that they could not establish the fact, as their feelings had deprived them of the assistance of a gentleman, who was perfectly qualified to give the necessary information. Adverting to the quarrel between Mr. Hastings and Mr. Francis, Mr. Burke condemned the former for having, with all the interference of a brothel-brawl and the intoxication of a tavern, stained the minutes of the council, of which he was the head, with a personal challenge; nor was he satisfied till he had four or five ounces of his best lead lodged in Mr. Francis's body. Mr. Burke declared, that though he had exhausted industry in the investigation of the charges against Mr. Hastings, yet, he repeated that the assistance of his honourable friend was essentially necessary, and he trusted that the House would agree to the motion.

The House divided on Mr. Fox's motion: Yeas 62: Noes 122 *. So it passed in the negative. Committees were after-

* A few days after this debate, the following letter was sent by the managers of the impeachment to Mr. Francis:

wards appointed by both Houses to search the records of parliament, for precedents relative to the mode of proceeding in trials by impeachment, and the necessary orders were made for their accommodation in Westminster-hall, for the admission of spectators, the attendance of witnesses, and other matters

“ To PHILIP FRANCIS, Esq.

“ *Committee-Room, House of Commons,*

“ *December 18. 1787.*

“ Sir,

“ There is nothing in the orders of the House which prevents us from resorting to your assistance; and we should show very little regard to our honour, to our duty, or to the effectual execution of our trust, if we omitted any means that are left in our power to obtain the most beneficial use of it.

“ An exact local knowledge of the affairs of Bengal is requisite in every step of our proceedings; and it is necessary that our information should come from sources not only competent, but unsuspected. We have perused, as our duty has often led us to do, with great attention, the records of the Company, during the time in which you executed the important office committed to you by parliament, and our good opinion of you has grown in exact proportion to the minuteness and accuracy of our researches. We have found that, as far as in you lay, you fully answered the ends of your arduous delegation. An exact obedience to the authority placed over you by the laws of your country, wise and steady principles of government, an inflexible integrity in yourself, and a firm resistance to all corrupt practice in others — crowned by an uniform benevolent attention to the rights, properties, and welfare of the natives (the grand leading object in your appointment) appear eminently throughout those records. Such a conduct, so tried, acknowledged, and recorded, demands our fullest confidence.

“ These, Sir, are the qualities, and this is the conduct on your part, on which we ground our *wishes* for your assistance. On what we are to ground our *right* to make any demand upon you, we are more at a loss to suggest. Our sole titles, we are sensible, are to be found in the public exigencies, and in your public spirit. Permit us, Sir, to call for this farther service in the name of the people of India, for whom your parental care has been so long distinguished, and in support of whose cause you have encountered so many difficulties, vexations, and dangers.

“ We have expressed sentiments in which we are unanimous, and which, with pride and pleasure, we attest under all our signatures, intreating you to favour us as frequently as you can with your attend-

respecting the regularity of their proceeding. On the 13th of February 1788, the trial commenced, with the usual formalities. The counsel who appeared for the defendant were Messrs. Law, Plumer, and Dallas. The assistant counsel for the Commons, Dr. Scott, and Dr. Laurence, Messrs. Mansfield, Pigott, Burke, and Douglas.

May 9. 1788.

DURING the progress of the trial, a motion was made in the House of Commons, "That an account of the monies issued from the exchequer, for the discharge of the expences incurred in the impeachment of Mr. Hastings, should be laid before the House. This motion was made by Mr. Burgess, member for Helstone, and was but slightly objected to by the managers, who said, that they considered it merely as an attempt made by the friends of Mr. Hastings, to vex and impede the committee in the prosecution of the laborious and important duty imposed upon them. On the 9th of May, 1788, the account having previously been laid upon the table, (which, exclusive of the building erected in Westminster-hall, amounted to

ance in the committee; and you shall have due notice of the days on which your advice and instructions may be more particularly necessary.

" We have the honour to be,

" With the most perfect respect,

" Sir,

" Your most faithful and obliged

" humble servants,

" EDMUND BURKE, Chairman.

C. J. Fox,
R. B. Sheridan,
Thomas Pelham,
W. Windham,
Gilbert Elliot,
Charles Grey,
William Adam,
John Anstruther,
Michael Angelo Taylor,

Maitland,
Dudley Long,
John Burgoyne,
Geo. Augustus North,
St. Andrew St. John,
Richard Fitzpatrick,
Roger Wilbraham,
John Courtenay,
James Erskine."

4,300*l.*) Mr. Burgess again rose, and observed, that the account delivered in from the treasury not affording the House the information he desired, respecting the manner in which the sums issued were expended, he should now move that the solicitors to the impeachment should lay before the House, a particular account of the expenditure of the sums advanced. Mr. Fox remarked, that to the motion he had not the smallest objection; but he begged to have it understood, that he considered the object of the motion as in no sort affecting him or the rest of the committee. It was no part of their duty to be answerable for the expenditure of the money issued by their solicitors. They were responsible only for the services ordered, and the propriety of those services. The other duty lay with the lords of the treasury, whose province it was to manage and account for all the expenditures of the kingdom.—Mr. Pitt replied, that, doubtless, the lords of the treasury considered it as a very delicate point to take upon themselves to interfere with the managers of the prosecution in a matter which they felt it to be their duty to watch over. It was incumbent on them to look at the current expence, and see that the money issued was economically applied. He was glad, therefore, that the motion had been made, because it would put the matter on its true issue between the managers and the treasury, who had not the proper papers upon the subject before them, and without which it would be impossible for them to discharge their duty; but, in order that the House might know, that they had not been unmindful of the subject, he informed them, that as soon as the sums that had been issued, amounted to any thing like a size that appeared extraordinary, (he was far from meaning to insinuate that they were larger than was necessary,) they had sent a letter to the managers, couched in as decent and respectful terms as possible, and modestly intimating what, in their opinion, ought to be done; but as the answer they received to that letter, did not give them any great hopes of being able to derive the necessary satisfaction from the managers, he was glad that means had been resorted to, which would produce it in the way the most satisfactory, doubtless, to the House, and certainly not the least dissatisfactory to them.—Mr. Burke begged to say, as chairman of the committee, that he did not object to

the motion; but with regard to what the right honourable gentleman had been pleased to suggest relative to the letter which he had written and sent to the treasury, by order of the committee of managers, he positively asserted that it was not true.—Mr. Fox repeated, that he did not consider himself and the rest of the committee of managers, as at all responsible for the manner in which their solicitors applied the monies issued in discharge of the expences of the trial of Mr. Hastings. It was no part of their duty to look to that, because it lay elsewhere. He begged the House, however, to distinguish what he meant. For the services ordered, the managers were, undoubtedly, responsible; but not for the application of the money issued in consequence. To superintend that, belonged to the lords of the treasury, who alone were responsible for it.—Mr. Pitt observed, that the right honourable gentleman who spoke last, had, with great propriety and decency, replied to the remark which he had taken the liberty of making, and had laid down a distinction at once fair and intelligible. The other right honourable gentleman, perhaps from being accustomed to use an extraordinary licence of speech elsewhere, shewed himself so much the slave of habit and practice, that he forgot the place where he was, and seemed desirous of introducing that habit and practice within those walls; for, it was scarcely possible in any other way to account for the style of his expression in the few words he had uttered, when with as little respect to that House as to him, he had thought proper very rudely and illiberally to deny the truth of what he had asserted. He would not, however, dwell on that circumstance, nor should any impropriety in that House prevent him from doing his duty, and saying whatever a sense of that duty dictated. The House had, undoubtedly, a right to ask whether the number of persons employed in consequence of the direction of the managers was necessary, and into the other various particulars of the expence incurred on account of the trial in Westminster-hall. The expence was considerable, but no expence was too great that went to obtain the ends of justice. Feeling in that manner, the lords of the treasury had sent a modest hint to the managers, in answer to which they had received a letter, that did not give them any very great expectations of being able to receive much satisfactory information through the channel of such a correspondence.

Mr. BURKE answered, that as he had been accused of using very improper language, the right honourable gentleman ought to have had personal information of the fact, to which he had spoken, and not ventured an assertion respecting a matter which he had at second-hand. The right honourable gentleman had alluded to what he supposed to have passed in a place where he seldom or ever made his appearance; but, it was the curse of the right honourable gentleman's situation, to be surrounded with whisperers and tale-bearers, and to take up matters as they were conveyed to his ears by such reporters. Had the right honourable gentleman been present at the place in question more frequently, he would have known that all the reports, like that which he had relied on, were mere calumnies, and then he would not have exposed himself to the contradiction he had received. With regard to the expences incurred by the prosecution, no expence could scarcely be too great for the obtainment of justice; but if what the honourable gentleman had termed a modest hint was meant as taking up the expence, with a view to put an end to the trial, the right honourable gentleman should find that the managers were determined not to abandon the business. If they were refused every expence, they would still go on, and persevere till they had brought it fairly to its conclusion. Mr. Burke said, he was ashamed that so paltry a consideration as the expence should be talked of, when the great importance of the subject, and the deep interests that were involved in it, were the points in question. The money that was stolen from India had not yet been employed in bringing the robbery to light and the robbers to justice. Their justice at home ought to bear something like a proportion to their injustice abroad. For their part, the managers would be found firm to their purpose, and steady to their trust. If there should be any desirous of going out of the straight path, and turning from the right to the left, the committee would not be found among the number; they would not prevaricate, but uniformly adhere to the principles of

justice. With regard to the services ordered, as managers acting under the authority of the House, they had an undoubted right to order such as were in their judgments necessary; but, if the House, upon an examination, should give another judgment, and think they were unnecessary, where, under such a circumstance, would rest the responsibility? Undoubtedly, with the House, and not with the managers. Mr. Burke took notice of the chancellor of the exchequer's having said, he was glad that the motion had been made, and commented on that expression coming from a right honourable gentleman who had voted with him, and the majority of that House, in carrying the impeachment of Mr. Hastings up to the bar of the House of Lords. The present motion, he observed, the right honourable gentleman (who had declared himself so glad that it was made) could only have obtained from those, from whom such a motion might naturally be expected to come—from those who had uniformly opposed the trying of Mr. Hastings at all. He submitted it to the House, what construction ought to be put on the conduct of a right honourable gentleman who had voted for a prosecution, and who now declared himself glad, that a motion was made with an appearance hostile to that prosecution. For his part, he cared not in the least about the motion, and was wholly indifferent to that or any other motion of the sort being brought forward. With regard to any improper expression of his, when a dispute was about a fact and not an argument, the shortest and most direct reply was, in his opinion, the best. When the papers were produced, the House would see whether he had any apology to make or not. In the mean time he would say, that he wished not to speak harshly of the right honourable gentleman, but he should always take notice of it when a man's words and actions were so much at variance as those of the right honourable gentleman.

The motion passed without opposition, and the accounts were presented the next day to the House by Mr. Burke.

May 20.

No farther notice was taken of this business till the 20th of May; but, various reports having been industriously spread out of doors, that exorbitant fees were given to the counsel of the prosecution; that expensive entertainments were provided for the managers at the public expence; and others of the like nature, Mr. Burgess was this day called upon by the managers to proceed in the inquiry he had instituted. He accordingly rose and observed, that the account produced was still too general for the purpose of affording the information he expected; and he should therefore move, "That the solicitors should give in an account, stating specifically to whom, and on what account, the several sums expended had been paid." He was seconded by Sir William Dolben.— Mr. Fox said, that the managers were undoubtedly responsible for the services ordered, but not for the manner in which those services were performed. It lay with the treasury to examine, check, and control, the expenditure of the money issued to defray the charges incurred by the prosecution.

Mr. BURKE declared, that as far as regarded himself, he had not the smallest objection to every minute item of the charges incurred by the prosecution being made as public as possible, but there were grounds of argument extremely forcible and extremely obvious, that would prove the present motion to be in the highest degree improper and unwise. The House had solemnly determined, that Mr. Hastings should be impeached, they had appointed a committee of managers, and armed them with a variety of powers, above all, directing them to act as a secret committee, and now in the progress of that very proceeding which they were to conduct in the manner that, upon secret consultation, should appear to them most advisable, was the House about to demand a public disclosure of all the private grounds of their conduct. Such a measure, he would venture to say, was unprecedented, and in no great public prosecution had such a measure ever been attempted

or dreamt of. With regard to the charges already incurred, Mr. Burke said, his private opinion was that the cause had been starved. So far from any unnecessary expence having been gone into, he was persuaded much use might have resulted from still greater expences, had the committee thought the circumstances that characterised the prosecution such as would have rendered it prudent in them to have incurred greater expences. He reminded gentlemen of the particular constitution, temper, and sentiments of the House in regard to the prosecution. A large and indeed a most decided and respectable majority of the House had voted the impeachment, and voted a committee of managers with great powers, but not greater than were absolutely necessary to render the prosecution effectual. But there was notoriously a considerable Indian party in that House, friends of Mr. Hastings, and many of them acting upon motives of personal interest, who had shewn themselves adverse to the prosecution. He was far from meaning to insinuate that they might not have been adverse to the prosecution from motives perfectly honourable, but the fact was as he had stated it. There was another set of gentlemen who had voted against the prosecution on principle, and because they thought such a prosecution, under all the circumstances, ought not to have taken place. This latter description of gentlemen certainly were to be respected. But such being the known divisions of the House, it behoved the managers to act with extreme caution, and to take care so to conduct themselves as not to give just cause of offence, or of solid objection, to either of the parties alluded to. This had been their rule, and had it not rigidly been adhered to, much larger expences might have been incurred, and incurred usefully to the prosecution. Secret services, for instance, might have made a large head of expence, and if gentlemen gave themselves time for reflection, they would see that in a prosecution of the nature of that in question, there might be much occasion for secret services. Mr. Burke animadverted on Sir William Dolben's having ventured to second a motion,

with the true grounds of which he could not possibly be acquainted. The charge incurred was enormous or inconsiderable, in proportion to the greatness or littleness of the services performed. The honourable baronet could not know what the size of those services were. They only who had directed them, and saw the degree of effect they had operated, could alone judge of their importance. The committee having the business in their hands, knew them to be great, and knew the charges incurred to be proportionably trifling and inconsiderable. The committee were responsible for those services, or rather he was responsible, as the leading member of that committee, and he meant not in the smallest degree to shrink from his responsibility, or shelter himself behind the committee, for conduct undoubtedly his own, and for which he was and ought to be peculiarly responsible. The honourable baronet had said he seconded the motion, because it was not moved with a view to censure of the past, but of caution for the future. If it was necessary to give caution for the future, there must have arisen some occasion for that caution, which implied, that the committee of managers had acted in a manner in which they ought not to have acted. For his part, Mr. Burke said, he rejected the proffered caution. He would take no more caution than he had done. He acted to the best of his judgment, and he was conscious that he was responsible for his conduct.

The House divided: Yeas 60: Noes 19. The managers withdrew without dividing.

June 6.

THE papers being accordingly laid upon the table, Mr. Burgess was again called upon, on the 30th of May, to state his objections to the House, if any still remained upon his mind. He answered, that in his opinion, he had sufficiently done his duty in calling for the papers. They were now before the House, and an opportunity was open to every gentleman to

form his sentiments upon the subject. What his doubts were, he imagined, must suggest themselves to every gentleman who read the accounts, and therefore he left to persons who had more weight and authority in that House than he had, to take the matter up; but if no other person should, and the House should call upon him to bring the subject forward, he was ready to obey their commands. Upon this it was observed, that the way in which the matter had been treated, was a little extraordinary. The honourable gentleman had expressed doubts upon one of the heads of the general account, but had alleged he could not say whether those doubts were well founded or not, before he saw a more particular statement of the items of the accounts; that particular statement had been presented some days, and the honourable gentleman had now declared, he still entertained his doubts, but that he left it to other gentlemen to move the discussion. The honourable gentleman should either act upon his doubts, or get some other gentleman to take his doubts up for him, and act upon them. From what had already passed in that House upon the subject, the matter ought not to drop without a farther investigation. Mr. Burgess then gave notice, that he should make a motion on the subject the Friday following. Upon that day he stated to the House the following doubts which he entertained upon the subject; a doubt whether the House had authorized the managers to employ counsel; a doubt whether there was any precedent for their employing counsel; and, in case the House had not authorized them to employ counsel, and that there was no precedent for it, a doubt whether there was any peculiar circumstance of difficulty, in the nature of the present prosecution, that made the assistance of counsel necessary? After which he adverted to some inaccuracies in the account itself, and concluded with moving, "That the solicitors should from time to time present an account of the expences incurred at the bar of the House."

Mr. BURKE said, that he rose neither to second nor to resist the motion. Before he seconded, he must approve a motion; before he opposed it, he must feel a strong reason for meeting it with his negative. In the present case he felt no powerful propensity either way. He could not, however, avoid offering his warmest congratulations to the

honourable gentleman; on his having chosen that glorious day, after the triumph of the morning, to bring forward a business of such an important nature ! It was the honourable gentleman's choice of filling up the happy interval between their adjournment from Westminster-hall and the rising of the House, with calling them to the examination of the items of a solicitor's bill, which alone was fit to follow his first onset within those walls, when he had stood up, and boldly ventured for a long time, singly and unseconded, to call for the attention of the House, after every other member had been struck dumb with astonishment and admiration at the wonderful eloquence of his honourable friend (Mr. Sheridan), who had that day again surprised the thousands who hung with rapture on his accents, by such a display of talents as were unparalleled in the annals of oratory, and as did the highest honour to himself, to that House, and to his country. For his part, Mr. Burke added, his mind was not sufficiently let down from the height of exaltation to which it had been raised : it required a degree of bending, of wetting and of relaxation, to sink his thoughts to the level of such an inquiry as that to which the honourable gentleman had called their attention. After such a sublime and glorious feast as the morning had afforded, the honourable gentleman's curious speculation on minute particulars convinced him that Providence had intended that man should not be proud, but that ecstacy of the mind should be checked and cooled by some sudden concomitant of mortification and disgrace, so that, under any circumstances, it should be impossible for a human being to escape long from having some proof of natural infirmity thrust before his sight. He again congratulated the honourable gentleman, therefore, on his choice of a day, declaring that if ever there was a day made to dignify the nation, made to dignify human nature itself, it was that very day. Of all the various species of oratory, of every kind of eloquence that had been heard, either in ancient or in modern times; whatever the acuteness of the bar, the dignity of the senate, or the morality of the pulpit, could

furnish, had not been equal to what that House had that day heard in Westminster-hall. No holy religionist, no man of any description as a literary character, could have come up, in the one instance, to the pure sentiments of morality, or in the other, to the variety of knowledge, force of imagination, propriety and vivacity of allusion, beauty and elegance of diction, and strength of expression, to which they had all that day listened. From poetry up to eloquence, there was not a species of composition of which a complete and perfect specimen might not have been culled, from one part or the other of the speech to which he alluded, and which he was persuaded, had made too strong an impression on the minds of that House to be so soon obliterated, as to render such a coarse dish of slops as the honourable gentleman had set before them, at all palatable. There was, Mr. Burke added, no conquest of man over man, like that of genius over injustice; instead, therefore, of resolving themselves into a committee of petit accounts, they ought, like the Romans, after Scipio's victories, to go and thank the gods for that day's triumph. In conclusion, he declared that he disdained to take notice of such a subject as the honourable gentleman had stated to the House. If the honourable gentleman doubted, or any man doubted, the solicitors' charges, let them call the solicitors to the bar, and examine them. For his part, he would continue to order such services as he thought proper, till the House should think proper to command him to desist.

After a short conversation, the previous question was carried without a division.

IMPEACHMENT OF SIR ELIJAH IMPEY.

May 7.

IN the month of December 1787, Sir Gilbert Elliot presented to the House six distinct articles of accusation against Sir Elijah Impey. The subject of the first was the trial and execu-

tion of Nundcomar; the second, the defendant's conduct in a certain Patna cause; the third, intitled extension of jurisdiction, comprehended various instances, in which the jurisdiction of the court was alleged to have been exercised illegally and oppressively, beyond the intention of the act and charter; the fourth charge, intitled the Cossijurah cause, though also an allegation of illegal assumption, was distinguished by circumstances so important, as to become properly the subject of a separate article; the fifth charge was for his acceptance of the office of judge of the Sudder Dewannee Adaulut, which was contrary to law, and not only repugnant to the spirit of the act and charter, but fundamentally subversive of all its material purposes; the sixth and last charge related to his conduct in the province of Oude and Benares, where the chief justice was said to have become the agent and tool of Mr. Hastings in the alleged oppression and plunder of the Begums. On the 28th of April 1788, all the evidence in support of the charges being gone through, Sir Gilbert Elliot began his reply to the answer of Sir Elijah Impey. After a speech of considerable length, the committee was adjourned to the 7th of May, when Sir Gilbert resumed his reply, and after speaking for some hours, intreated the permission of the committee to defer the conclusion of it until the 9th instant.

Sir Richard Sutton, after having remarked that certainly some consideration was due to the feelings of the person who was more immediately the subject of the charge than before the committee, added, that gentlemen must naturally expect that the person to whom he alluded, was extremely anxious that the committee should come to a decision as soon as they should be able. He contended, that much delay had already taken place, that the examination of the witnesses had more than once been put off, to suit the convenience of the honourable accuser, and that any longer unnecessary delay would be equally an act of injustice to the person accused, and a disgrace upon themselves and their proceedings.

Mr. BURKE said, that he could not avoid considering with astonishment the honourable baronet's proposal to proceed, after what they had that day heard. He could truly venture to declare, that his honourable friend had made one of the longest speeches, with the least idle matter

in it, that either the present or indeed any other committee had ever heard. Perhaps there never had been delivered a speech characterised by so much ability, so much temperance, so much candour, so much prudence, such laborious investigation, such ingenuity of argument, such pertinence of remark, such regular and perspicuous arrangement, such masterly management, and such a happy and forcible combination of parts, producing, upon the whole, so intelligent, and so convincing an effect. Surely, then, some attention was due to his honourable friend, who had requested a pause from the very great fatigue which he had undergone. The honourable baronet had talked of delay, and of the importance of the subject. The subject was undoubtedly of the highest importance, and therefore it could not be proceeded upon with too much delay. He hoped the committee would not force his honourable friend, fatigued as he was, to proceed; but instead of rashly persisting in endeavouring to perform a task, to which they had become unequal, from length of application to the various parliamentary business of the day, consent to take another time for determination, when they could enter the House better prepared to deliver a sober and well governed judgment. The honourable baronet had been pleased to call forth their consideration for the feelings of the person accused. The very person himself did not manifest, by his conduct, that he was much actuated by feelings becoming his present situation. He had lately, in another place, seen him, where he had appeared more like an accuser, than the party accused. Contumacious, bold, arrogant, and assuming, he had ———. [here there was a cry of Order, order!] Mr. Burke said, he would willingly sit down, if any gentleman could point out to him that he had said any thing disorderly; he was merely suggesting to the committee, that the person for whose feelings an honourable baronet had called upon them to shew a due respect, carried himself without doors in a way that betokened not much feeling for the high and weighty crimes of which he stood accused. If the com-

mittee insisted on proceeding that night, 'was the cause of justice likely to derive any benefit from such a line of conduct? Their debate and decision, under the then circumstances of his honourable friend and of the committee in general, would have all the rashness of precipitancy, and all the drowsiness of delay. His honourable friend was not chargeable with any intentional delay; his exertions had sufficiently manifested that he was not. He had youth, and a competent share of vigour of mind; but he was a man, and had a body. He was liable to human infirmities, and when he felt their pressure, he could not avoid giving way to it. After evincing, that he did not complain before he had ample reason, would that committee act so rashly and so unfairly with respect to the party accused? Did it become that person's friends, and did they, by so doing, shew either the justice of his cause, or their confidence in its justice, by insisting on precipitating the measure, by forcing a hasty and inconsiderate decision, and by obliging his honourable friend to proceed, when his powers would not suffer him properly to support so arduous an attempt. Mr. Burke declared, that he had been at the House ever since ten in the morning, and had been engaged in parliamentary business of a nature equally important. He, for one, therefore, felt himself so fatigued and exhausted, that he owned he was unfit to proceed to take part in a debate of such uncommon magnitude.

After a short conversation the committee agreed to adjourn to the 9th, when Sir Gilbert concluded his reply with moving, "That the committee, having considered the first article, and examined evidence thereupon, is of opinion, that there is ground for proceeding against Sir Elijah Impey, by way of impeachment, of high crimes and misdemeanors, upon the matter of the first article."

The defence of Sir Elijah was undertaken by Sir Richard Sutton, who was supported by Mr. D. Pulteney, the solicitor and attorney general, and Mr. Pitt. The motion was supported by Mr. Fox, Colonel Fullarton, and Mr. Burke. At the close of the debate,

Mr. BURKE begged leave to remind those honourable gentlemen who had defended Sir Elijah Impey's conduct with regard to the trial, conviction, sentence, and subsequent proceedings in respect of Nundcomar, of the immediate effect of their not supporting the question. Their sanctioning the conduct of Sir Elijah, would hold out this lesson to future judges, "Copy the conduct of Sir Elijah Impey, desert the strict line of your duty, abandon your impartiality, mix political interests with your judicial attentions, become instruments in the hands of government, and opposing power to right, instead of protecting the innocent take part with the guilty." Was that a lesson fit to be taught immediately on the eve of calling some of the members of that House to fill the seat of justice? With regard to the confederacy between Mr. Hastings and Sir Elijah Impey, the fact was rendered indisputable from its having been proved from the mouth of Sir Elijah himself, that Warren Hastings, in defiance of his oath, and in breach of his faith to the rest of the supreme council, had communicated the contents of the petition of Nundcomar, as sent to General Clavering before the execution, and brought by the General to the council afterwards, and, upon such communication, ordered to be burnt by the hands of the common hangman, as a libel on the judges. He put the case, that a collusion existed between the attorney-general and the chancellor of the exchequer, and it came out that, in a matter where the former was sworn to secrecy, he had communicated the secret to the latter; would any man living entertain a doubt of the confederacy and collusion? Mr. Burke animadverted on the speech of the chancellor of the exchequer, and observed, that as it had been said of old, that if the gods were to address themselves to mankind, they would use the language of the Greeks; with equal justice might he contend that, if despotism itself were to speak, it would use the language, and adopt and enforce the arguments of the right honourable gentleman.

The motion was negatived by a majority of 73 to 18.

May 27.

On the 27th of May, the day appointed for the committee to sit again, upon the usual motion, that the Speaker do now leave the chair, the same was opposed by the attorney-general, on the ground that the next article, relative to the Patna cause, was at that time depending, and likely to come speedily to a hearing before the privy council. Mr. Anstruther said, he conceived the whole business to be a collusion between Sir Elijah Impey and the East India Company; and he stated the charge as criminal, because Sir Elijah Impey acting corruptly (he meant not from pecuniary motives) had overset the whole judicature of India, for the sake of extending his own jurisdiction. If it was really too late in the session to go through with the charge, he should think that a fit reason for putting it off; but he was far from being of opinion that such was the state of the case.—Mr. W. W. Grenville observed, that the honourable gentleman had just stated the strongest reason for putting off the charge, when he mentioned the lateness of the session. He said he did not admit the whole of Mr. Anstruther's reasoning, as he could not think there was any ground for the suspicion of collusion between the East India Company and Sir Elijah. He was of opinion that the charge ought not to come on, while it was going to another tribunal, though that circumstance, he admitted, by no means debarred the House from exercising its functions respecting the charges in future.

Mr. BURKE observed, that the whole reminded him of a story of Sir Robert Walpole, who, retiring from the fatigues of public business, desired his son to get him a book to read to him. The son asked him, on what subject? Should it be history? No, said Sir Robert, not history; there can be no truth in that. He admitted philosophical speculations, travels, and Pliny; but history, he said, could not be true. Mr. Burke applied this story to Mr. Grenville's argument, and talked about young statesmen, who were filled, as it were, with wine, and had all the body and strength of it; while older politicians were obliged to take up with the lees, which were somewhat

stale and sour. He next stated all the particulars of the Patna cause, in the investigation of which he had many years since taken a considerable part. The East India Company had originally brought it before that House, and with great earnestness had urged them to investigate it. The House had caught the Company's warmth, and felt with equal ardour. They took it up, and considered it as so outrageous and bad, that no appeal could be expected. An act was passed for the immediate relief of the magistrates of Patna, and the Company gave bond to have the cause heard before the privy council. Mr. Burke stated the manner in which the bill had been curtailed in the House, declaring that their noble had been reduced to nimpence. But, as a little practical good was better than mountains of speculative advantages, they had patiently submitted to hold fast by the remainder that was left of their bill. The East India Company, who had been so hot upon the business, grew cool directly afterwards. The first thing they did was to prevaricate, and leave the magistrates of Patna, who had been dragged some hundred miles before a jurisdiction they knew nothing of, to amuse themselves in prison, as they had been told in another place, by dancing in irons to the jingling of their chains, and to regale themselves with the perfumes of the common sewer of the prisons of Calcutta. The Company, Mr. Burke said, had made a false entry, and had altered their own record; they had been guilty of the grossest frauds and villanies to prevent the effect of their own petition, and had omitted to send the act out to India. And what had they done since? They had forfeited 30,000*l.* for the purpose of defeating a criminal charge against that criminal whom they had called upon the House to proceed against. Mr. Burke enlarged on these particulars, and applied the *nonumque prematur in annum* of Horace, to the nine years that had elapsed since the subject was first agitated, declaring, that nothing would make him add a tenth. He took up the cause for the sake of the rights of the magistrates of Patna, for a man

who was a magistrate before the dirty East India Company had any power over Patna. He alluded to the expression of a bit of wax hanging to a piece of parchment, as applied to a charter on which depended the lives of millions, and asked if they, the Commons of England, owed no more protection to India, and its injured inhabitants, than a company of merchants could give them? With regard to the lateness of the season, he owned, that many things had great weight when compared with that circumstance; but when it was considered that the Patna cause had been protracted for nine years, surely they would agree that the protractors, and not the miserable inhabitants of India, ought to be punished. He submitted it to the feelings of the House, whether, when magistrates had been dragged four hundred miles from their native place to be tried by laws to which they were strangers, and suffered to remain in prison, they did not merit attention? That House, he said, was no prison, although he knew it was not extremely well calculated for business in summer; yet in a case of such magnitude, ordinary considerations ought to give way, and they ought not to hold out to India, that Sir Elijah Impey, being one of their own colour, one of their gang, as it were, should upon this account be protected by them. Because the East India Company had delayed to do justice for nine years, that House ought not to prevaricate. For his part he would not; for no Horace had told him to keep his piece ten years.

Mr. Smith rose to exculpate himself from the aspersion which Mr. Burke had cast on the East India Company, declaring he had sat for many years amongst the directors, and with as good men as those with whom the right honourable gentleman had ever associated. He defied the right honourable gentleman to prove that the Company had been guilty of any prevarication, or of having attempted to screen any man from justice.—Mr. Pitt said, that the subject had caused more warmth than it seemed to require. The honourable gentleman had told them, that they were not to trust to history, and a great many more things that had very little to do with the question.

As the cause was to go before the privy council, and as it was possible for the sentence to be affirmed, and as by next session they would know whether it came on or not, he thought it far more advisable to wait till then.

Mr. BURKE begged leave to contradict the right honourable gentleman, who had supposed him to have admitted, that the East India Company had requested to have the obligation upon them to give security for referring the sentence to the privy council, inserted in the act of 1781. He had said no such thing, but the contrary, affirming, that it had not been desired by the East India Company, nor by that House, but by the highest authority, the lord chancellor, at whose express request he had inserted the obligation on the Company in the bill. Mr. Burke desired the right honourable gentleman, who had proved so bad an historian, not to take upon himself the office of being his historian; declaring that he had rather trust to the Public Advertiser, the Morning Chronicle, or the Morning Post, as reporters of his speeches, though he did not consider them as the most faithful records. He complained of the right honourable gentleman's treatment of him, and said, the oppression of great parts and great powers was too much to be borne. It reminded him of a story of a Roman lady, who had married a man with a bad breath, and when he was dead the widow was asked how she could bear to live so long with a man who had a foul breath? The lady, who was a virgin when she married, had said in reply, that she thought all men's breath was the same. He had heard severe things from many ministers who sat in the place which the right honourable gentleman filled, but he had suffered more from the offensive and foul breath of the right honourable gentleman, than from that of any minister that had gone before him. The honourable gentleman over the way had boasted of sitting in as good company as ever he did. That was a bold word. The Marquis of Rockingham, Mr. Dowdeswell, the Duke of Portland, and Mr. Fox, were men not easily to be matched.

Sir Gilbert Elliot's motion was negatived, and the farther consideration of the charges was deferred till that day three months.

ABOLITION OF THE SLAVE TRADE.

May 9.

DURING the present session, petitions were presented from the two universities, and from several of the most considerable towns and corporations in the kingdom, praying for the Abolition of the Slave Trade. In the mean time his majesty's ministers thought it proper to institute an inquiry, before a committee of the privy council, into the facts and allegations contained in the representations of both parties upon the subject; and Mr. Wilberforce, to whom the conduct of the business in the House of Commons had been, by a sort of general consent, assigned, having been prevented, by the bad state of his health, from bringing it before the House, Mr. Pitt rose in his place, on the 9th of May, and, after mentioning this circumstance, moved, "That this House will, early in the next session of parliament, proceed to take into consideration the circumstances of the slave trade, complained of in the several petitions which have been presented to the House, and what may be fit to be done thereupon." He added, that previous to that time, the inquiry instituted before the privy council would be brought to such a state of maturity as to make it fit that the result of it should be laid before the House, to facilitate their investigation, and to enable them to proceed to a decision, founded equally upon principles of humanity, justice, and sound policy. The motion was warmly supported by Mr. Fox. Lord Penrhyn said, there were two descriptions of men, one, those who were concerned in the African trade; the other, the planters, whose characters had been blackened, and whose conduct had been grossly calumniated; both these descriptions of men wished anxiously that an inquiry might be instituted,

conscious that the more their conduct was examined into, the less they would be found to merit the opprobrium with which they had been loaded. The charges against the slave trade were either true or false. If they were true, the trade ought to be abolished; but if, upon inquiry, they were deemed to be without foundation, justice ought to be done to the characters of those who were concerned in it. The African merchants and planters were equally earnest in their desire, that the subject should be inquired into immediately.

Mr. BURKE said, that the noble lord being a man of justice himself, had reasoned according to the dictates of his mind, and, conscious of his own integrity, was very naturally led to imagine, that other men were equally just and honourable. Undoubtedly, the African merchants and planters had a right to call for an investigation of their conduct, and their doing so did them great credit. The slave trade ought to be inquired into: it ought to be fully and maturely considered; but he agreed with the chancellor of the exchequer, that the subject could not be discussed this session, and that it was right that his majesty's ministers should inquire into its merits. His majesty's ministers had done their duty, while that House, who had the petitions of the people on their table, had deferred an inquiry. If that House wished to preserve their functions, their understandings, their honour, and their dignity, he advised them to beware of committees of the privy council. If they suffered the business of the House to be done by such committees, they were abdicating their trust and character, and making way for an entire abolition of their functions, which they were parting with one after another. Thus, "Star after star goes out, and all is night." If that House neglected the petitions of its constituents, that House must be abolished, and the privy council substituted in its stead. What would be the consequence? His majesty's ministers, instead of consulting that House, and giving them the opportunity of exercising their functions of deliberation and legislation, would modify the measures of government elsewhere, and bring down the edicts of the privy council to

the House to register. He was one of those who wished for the abolition of the slave trade. He thought it ought to be abolished on principles of humanity and justice. If, however, opposition of interests should render its total abolition impossible, it ought to be regulated, and that immediately. The House need not send to the West Indies to know the opinions of the planters on the subject; they were to consider first of all, and abstracted from all political, personal, and local considerations, that the slave trade was directly contrary to the interests of humanity; and that the state of slavery, however mitigated, was a state so improper, so degrading, and so ruinous to the feelings and capacities of human nature, that it ought not to be suffered to exist. Protraction might raise hopes in the unfortunate people whose freedom they were anxious to restore, that might produce infinite mischief, if suffered to remain long ungratified. They ought, therefore, as soon as possible, to go into an investigation of the subject, as well for the sake of the planters as the slaves, to prevent the dangers that might result from protraction, and allay the hopes and fears that might have been excited on the one hand, or entertained on the other.

The motion was agreed to *nem. con.*

GOVERNMENT OF QUEBEC.

May 16.

THIS day, the House having resolved itself into a committee on the petitions which had been presented relative to the government of the province of Quebec, Mr. Lymburner, the agent of the province, was called to the bar, where he read a variety of written documents, stating the proceedings which had taken place before the judges in Canada, from whence it appeared that their decisions had been formed on vague and

indeterminate principles, one deciding according to the Roman law, another according to the French law, a third according to the English law, and a fourth without regard to any code of law, but solely in conformity to the dictates of his conscience. The documents also afforded proof of the existence of a variety of acts of oppression and injustice in the practice of the law in Canada, which called aloud for remedy. After the agent had withdrawn, Mr. Powys called the attention of the committee to the subject, and moved, "That it is the opinion of the committee, that the petitions are deserving of the immediate and serious consideration of parliament." Should the present motion not be agreed to, he would in that case move, "That this House will, early in the next session of parliament, proceed to take into consideration the matters of the said petitions." The motion was supported by Sir Matthew White Ridley, Mr. Fox, Mr. Burke, Mr. Sheridan and others; and opposed by Mr. Pitt, principally on the ground, that the House wanted more information, and were not ripe to proceed to inquire into and discuss the subject. He therefore moved, "That the chairman do leave the chair."

Mr. BURKE said, that he rose under some degree of terror to oppose the motion, that the chairman do leave the chair, because having seen the manner in which the chancellor of the exchequer had treated other honourable gentlemen who spoke before him on the same side of the question, he knew not what he was to expect for having the confidence and the impudence to support them in their arguments. The right honourable gentleman, Mr. Burke said, was not a member of that House, nor had he commenced his political career, when the Quebec bill was first brought in and debated; but throughout those debates, he (Mr. Burke) had been one of its most steady opposers, and had predicted, that the consequences it would produce would be nearly what they had turned out to be. He knew not whether we were not in a great measure to ascribe to that bill much of the mischief that followed it, the American war and the loss of the colonies, since it held out to all our provinces what sort of government was most wished to be established in America by some of those in power

here. It was a measure dealt out by this country in its anger, under the impulse of a passion that ill suited the purposes of wise legislation. The Quebec act had been loudly complained of, as containing a system of government ill adapted to the province of Canada, and it was now, he believed, universally agreed that it was so. Why, then, let that act remain unrepealed? Why not proceed to repeal it instantly, even if it could not with convenience be immediately followed up with the establishment of a new and better system of government? The right honourable gentleman had intimated, that he stood in want of more information, and that they were not *ripe* to proceed to inquire into and discuss the subject. Not ripe after twenty-five years' experience! Nay, the right honourable gentleman had gone farther, and declared, that possibly they might not have sufficient information before them, and not be ripe enough for the discussion next session. He might go on in that manner, making the same objection year after year, so that most probably by far the greater part of that House would be rotten before they were "*ripe*." The right honourable gentleman put him in mind of a certain philosopher, whose mother wanted him to marry; and upon her asking him to take a wife, his answer was, "he was too young." A few years elapsed, and the matron, anxious for a progeny to keep up the family, again solicited her son to wed; his answer again was, "he was too young." More years elapsed, and the old woman asked him a third time to take a wife, when the philosopher answered, "he was too old." So the right honourable gentleman might go on, year after year, till the opportunity of establishing a new form of government over Canada would have escaped. The right honourable gentleman had made a fine dissertation on the beauty of the British constitution; he had praised it highly, and had declared himself extremely desirous to communicate its blessings to all parts of the world, but he had followed up his encomiums with a declaration of delay. Thus had he at length accomplished that happy perfection of political refinement,

that could express one sort of desires, and unite them with an opposite species of practice. Who, before the right honourable gentleman, had been able to hold popular language at the same time that he held possession of power? To join a theoretical recommendation of action with an effectual exercise of practical delay? Mr. Burke said, he wished to relieve the minister from his difficulty and his dilemma, by persuading him to carry his professed wishes into immediate performance. The right honourable gentleman had said, he above all things thought a house of assembly a blessing fit to be given to Canada, but that it might not be given them, because it was notorious that the province of Canada was then distracted with the differences of opinion that prevailed in it, as to the best mode of establishing laws of commerce. So far from admitting that proposition to be well founded, Mr. Burke declared, it operated in his mind directly the other way, and was of itself a strong argument for the immediate institution of a house of assembly. If there were a great variety of discordant opinions afloat in Canada, on the subject of the sort of laws most applicable to the concerns of the province, it was highly necessary that there should be some organ created in Canada, to speak by authority what the opinions were, and which of them was most prevalent, and merited the greatest share of attention. The present was the proper time, at least to proceed as far as his honourable friend had declared it to be his intention to proceed. From what the right honourable gentleman had said, how were they sure the House would next year be able to get a step farther than they had done that day? With ample information before them in the petitions on their table, with that information supported and strengthened by oral evidence delivered at their bar, why were they not ripe to proceed? Was it because the right honourable gentleman had talked of counter-petitions, which he would not let them see? Next year, the same scene might be repeated, and the same plea of want of information urged. What must the gentlemen who had felt it to be their duty to agitate the question rela-

tive to the slave trade, and by so doing had awakened the humanity of the whole nation, think of the right honourable gentleman's declaration that day, that he would not be pledged by the resolution to go into the discussion? The resolution moved by the right honourable gentleman himself, on the preceding Friday, relative to the slave trade, must stand precisely on the same grounds with the resolution which his honourable friend had declared it to be his intention to move, as soon as the House should be resumed. Was the right honourable gentleman desirous that the people of England, who had petitioned the House to take the state of the slave trade into their consideration, should understand that the resolution which the House had come to meant nothing, and that next session their wishes might be defeated, and the subject be put off again? He advised the right honourable gentleman to think seriously of the inference that the public would inevitably draw from such equivocal conduct.

The committee divided on the question, "That the chairman do leave the chair." Yeas 104: Noes 39. The resolution, that the House would take the subject into their serious consideration early next session, was then moved by Mr. Powys, and agreed to.

AMERICAN LOYALISTS.

June 8.

THIS day Mr. Pitt called the attention of the House to the compensation which was intended to be made to the American Loyalists, on account of losses sustained by them in consequence of their adherence to this country during the late American war, and moved, "That 1,228,239*l.* should be voted to the several American claimants for losses, &c. and 113,952*l.* to the Florida claimants." The proposition met, generally,

with the approbation of the House. Mr. Hussey, however, declared that he was not satisfied in his mind whether he ought to vote in favour of the motion. What he wished to be satisfied in was, whether the claims of the Loyalists were founded in right, or whether the voting such sums as were then proposed, was a mere matter of favour and liberality.

Mr. BURKE said, that he felt extreme concern at discovering that an honourable gentleman of so enlightened a mind, and of the purity of whose intentions, on all occasions, no man could entertain the smallest question, had any doubts or objections to the present motion. He never gave a vote with more satisfaction than he should give his vote for the present motion, because, though the Loyalists had no claim upon the house founded in strict right, — which must necessarily be arbitrary, and could admit of no modification whatever, but must be fully satisfied to its utmost extent, whatever that might be, — yet the House was bound in honour and justice to take their claims into consideration. Mr. Burke assured the committee, that such a mode of compensating the claims of the Loyalists, would do the country the highest credit. He said, it was a new and a noble instance of national bounty and generosity. At the Restoration, the case had been widely different. There the poor bishops, who had been so long deprived of their sees, were deemed well off to obtain their sees again, and the sum of eighty thousand pounds was all that the House had voted for the King to distribute among the Loyalists, though it was a well-known fact that the Marquis of Worcester alone had lost an estate worth three hundred thousand pounds. Mr. Burke descanted on these historical facts, and said, it was a solid satisfaction to his mind, that he had uniformly voted against every question that led to the consequences that laid the committee under the necessity of coming to the vote then proposed; he should, nevertheless, cheerfully vote any sum, however large, upon the account stated, because, though the American war had been carried on by the voice of a majority, all were involved in the promises of that majority; and the Loyalists had

certainly been assured from the first authority in the state, that if they left their property, and joined the King's army, or came to England, they should receive protection and support. That pledge was sacred, and ought to be faithfully fulfilled. With regard to the proposed mode of making the compensation, he thought it both liberal and prudent, neither too large on the one hand, nor too small on the other; and he gave the chancellor of the exchequer credit for having made the divisions, and distinguished the deductions to be taken from the claims of the different classes of Loyalists. It did this country honour, inasmuch as it shewed our attention to the different extent and force of the claims of the several claimants; and it would not have done them honour, had they expected to have been paid the full amount of those claims, because it would have proved, that they had no real principle of loyalty to inspire their conduct, but that they had joined the side that they had joined, under a certain expectation of running no risk whatever, but of receiving back the whole of their property. Mr. Burke concluded, with giving his assent to the motion.

The several resolutions were agreed to.

KING'S ILLNESS — REGENCY BILL.

December 8.

IN the autumn of 1788, all ranks were alarmed by a report that his majesty was seriously indisposed. On the 24th of October, resolving, notwithstanding illness, to perform the functions of his royal office, he held a levee; and though it was obvious to every one present that his majesty's health was very materially affected, yet no symptoms indicated any definite

species of malady. On the king's return to Windsor, his disorder assumed a very alarming appearance. It was found that it had formed itself into a brain fever, attended with a delirium. The mental derangement having continued to the beginning of November without any intermission, at length became public; and the intelligence diffused general grief and consternation. The Prince of Wales repaired immediately to Windsor, where he was met by the lord chancellor, and they, in concert with the queen, took such measures relative to the domestic affairs of the king, as the necessity of the case required. The parliament had been prorogued to the 20th of November; and as the intended commission for a farther prorogation had not been issued by the king, its meeting took place upon that day, as a matter of course. The Peers and the Commons remained in their separate chambers; and the chancellor in the upper, and Mr. Pitt in the lower House, having signified the cause of their assembling without the usual notice and summons, and stated the impropriety of their proceeding under such circumstances, to the discussion of any public business whatever, both Houses resolved unanimously to adjourn for fifteen days. At the same time Mr. Pitt took occasion to observe, that as it would be indispensably necessary, in case his majesty's illness should unhappily continue longer than the period of their adjournment, that the House should take into immediate consideration the means of supplying, so far as they were competent, the want of the royal presence, it was incumbent upon them to insure a full attendance, in order to give every possible weight and solemnity to their proceedings. For this purpose it was ordered that the House should be called over on the 4th of December, and that the Speaker should send letters requiring the attendance of every member. Orders to the same effect were made by the Lords.

In order to lay some ground for the proceedings of the two Houses of parliament, a council was held at Whitehall on the day preceding their meeting, to which all the privy counsellors were summoned. Of fifty-four who attended, twenty-four were of the party of opposition. The physicians who had attended his majesty during his illness were called before them and sworn; after which three questions, which had been previously debated and carried in the council were put to them severally. The first was, "Whether his majesty's indisposition rendered him incapable of meeting his parliament, and of at-

tending to any sort of public business?" To this they answered, " That certainly he was incapable." The second was, " What is your opinion of the duration of his majesty's malady, and of the probability of a cure?" To this they answered, " That there was a great probability of his recovery, but that it was impossible to limit the time." The third question was, " Do you give this opinion from the particular symptoms of his majesty's disorder, or from your experience in complaints of a similar nature?" To this their general answer was, " That it was from experience, and having observed that the majority of those who were afflicted with the same disease had recovered."

On the 4th of December, the two Houses being assembled, the president of the council informed the peers, that the king, by the continuance of his indisposition, was rendered incapable of meeting his parliament, and that all the other functions of government were thereby suspended. He then declared it to be his opinion, that in this dismembered state of the legislature, the right devolved on the two Houses of parliament to make such provision for supplying the defect as should be adequate to the necessity of the case; but that it was necessary, before any step could be taken in so delicate a business, that the deficiency should be fully ascertained: with this view he moved, that the minutes of the privy council should be read; which being done, the following Monday was appointed for taking it into consideration. — A motion being made to the same effect by Mr. Pitt, in the House of Commons, Mr. Viner expressed his doubt, whether, in a matter of such moment, and which would be attended with such important consequences, the House could proceed upon a report from the privy council without a farther examination of the physicians, either at their bar, or by a committee of their own. — Mr. Pitt urged, in reply, the delicacy of the subject to be discussed; and remarked farther, that the examination before the council was taken upon oath, which the House had it not in their power to administer. — Mr. Fox concurred in opinion with Mr. Viner; he felt the propriety of acting with all possible delicacy; but if delicacy and their duty should happen to clash, the latter ought not to be sacrificed to the former. — A doubt was also stated by the Speaker, whether, in the present defective state of parliament, he was competent to issue writs for new elections. This was determined in the affirmative, and the House immediately rose.

On Monday the 8th, Mr. Pitt, either convinced upon further consideration of the propriety of Mr. Viner's suggestion, or expecting that the probability of his majesty's recovery would become more apparent upon a fuller inquiry into the case, came forward and moved, "That a committee of twenty-one members be appointed to examine the physicians who have attended his majesty, touching the state of his health." In answer to Mr. Pitt,

Mr. BURKE observed, that he rose not to controvert any one point in the right honourable gentleman's argument, nor even to excite a doubt concerning any point which he had advanced, but merely to enter his protest, which he must ever do on any occasion, against what the right honourable gentleman had stated on a former day, and just hinted at that day, though, indeed, he had not much rested on it, and that was, the inefficacy of an examination before that House, because they had not the power to administer an oath to witnesses. He never would suffer that to be made an argument against the House proceeding in its inquisitorial capacity, without resisting so dangerous a doctrine. Maimed and imperfect, cramped and limited as the House might be in some particulars, he conjured them to preserve all their capacities, and most especially was it necessary for them to hold their capacities sacred, and maintain them with firmness in situations of extreme delicacy and importance, and such he considered the present to be. He reminded them, that in questions of the highest judicial importance, affecting considerations of the first magnitude, the House had never satisfied itself, but on the examination of witnesses at their own bar, or, what he considered as the same thing, before a committee of their own members, appointed by the House, and acting as their representative. He stated the case of a divorce bill, which, as they well knew, always originated in the spiritual court in Doctors' Commons, where all the proceedings were upon oath; it next travelled to Westminster-hall, where the witnesses also delivered their evidence upon oath, and they were afterwards heard at the bar of the House of Lords upon oath

likewise; and after that triple knot of evidence legally given, it was customary, when the bill came down to that House, for the House to disregard all that had passed, and to ground their proceedings with regard to the bill, on the evidence of the witnesses examined at their own bar, according to their own forms. The more arduous, delicate, and difficult the business that came before the House was, the more tenacious they ought to be of their privileges and capacities, and in order to enforce that, it was, that he had risen, not to object to any of the principles or inferences of the right honourable gentleman, but merely to question one of his premises, which, in his mind, called for observation.

The motion was agreed to, and a committee was accordingly appointed.

December 10.

THE report of the said committee being brought up on the 10th, and ordered to be printed, Mr. Pitt moved, "That a committee be appointed to examine the Journals of the House, and report precedents of such proceedings as may have been had in cases of the personal exercise of the royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same." The motion being made, Mr. Fox observed, that if it were carried, it must be considered that it was loss of time. What were they going to search for? Not precedents upon their journals, not parliamentary precedents, but precedents in the history of England. He would be bold to say, nay, they all knew, that the doing so would prove a loss of time, for there existed no precedent whatever that could bear upon the present case. The circumstance to be provided for did not depend upon their deliberations as a house of parliament; it rested elsewhere. There was then a person in the kingdom different from any other person that any existing precedents could refer to—an heir apparent of full age and capacity to exercise the royal power. It behoved them, therefore, to waste not a moment

unnecessarily, but to proceed with all becoming diligence to restore the sovereign power and the exercise of the royal authority.—Mr. Pitt rose with some heat, to controvert the doctrine advanced by Mr. Fox. He declared it to be little less than treason against the constitution; and pledged himself to maintain, on the contrary, that the heir apparent had no more right, in the case alleged, to the exercise of the executive power, than any other subject in the kingdom; and that it belonged to the two remaining branches of the legislature, in behalf of the people, to make such provision for supplying the temporary deficiency as they might think most proper, to preserve unimpaired the interests of the sovereign, and the safety and the welfare of the nation. He added, that from the mode in which the right honourable gentleman had treated the subject, a new question presented itself, and that of much greater magnitude than the question originally before them; it was a question of their own rights; it was become a doubt, whether the House had on this important occasion any deliberative power at all. The motion he had made could therefore no longer be called nugatory, but was become absolutely necessary, in order to learn and ascertain their own rights.

Mr. BURKE said, that he could not but reflect with astonishment upon the style and manner in which the right honourable gentleman had debated the question; and contended, that if ever there was a question which peculiarly called for temper and moderation, it was that to which the present argument referred. The question did not point merely to an affliction of bodily infirmity, to an illness affecting the meanest and most perishable part of the human frame, but to the most humiliating of all human calamities which had fallen upon the highest situation. In that moment, when it peculiarly behoved every one of them to keep himself cool, and preserve the little share of reason with which Heaven had blessed him, the right honourable gentleman had burst into a flame; and, with a degree of unpardonable violence, had accused others of treason, because they ventured to mention the rights of any part of the royal family. The right honourable gentleman, in such a case, must not only have been aware

of what people expected at their hands, but of what he owed to the importance and delicacy of the subject, and to his own high situation and character. The right honourable gentleman had expressed his hopes for a regency in a subject, at the very time that he was bringing forward a charge of treason. When he could not convince any one by his arguments, he had endeavoured to intimidate all who had dared to mention only the rights of the royal family, and had threatened them with the lash of the law. Where was the freedom of debate, where was the privilege of parliament, if the rights of the Prince of Wales could not be spoken of in that House, without their being liable to be charged with treason by one of the prince's competitors? [Here there was a loud cry of order from the treasury side of the House.] Mr. Burke said, he would repeat and justify his words. The right honourable gentleman had expressly declared, that the Prince of Wales had no more right to claim the exercise of the sovereign power, than any other individual subject; he was warranted, therefore, in stating the right honourable gentleman as having described himself as one of the prince's competitors. For his part, he was too humble in situation to make such a renunciation of right to the crown himself, but he would venture to say, that none belonging to the proudest and most exalted families, those who enjoyed the highest dignities, and were loaded with the most splendid titles and honours, would dare to hope for a chance of the regency, or to state themselves as having an equal right to claim it with the Prince of Wales. He must own he trembled when he considered that he stood before that prince, who held the lash of vindictive law over the heads of those who dared to question the subject. The right honourable gentleman had talked of the discretion of that and of the other House of parliament: let him remember, that the first step of discretion was coolness of temper, and let him shew his own discretion before he recommended discretion to others. Before he gave his elective vote, for he might possibly be made an elector

against his will, the prince opposite to him (Mr. Burke said) ought not to measure people of low and timid dispositions by his own aspiring greatness of soul. He had read in some old law book, that nothing was so dreadful as when a subject was convicted of treason, without knowing what he had done that was treasonable. Let the right honourable gentleman recollect the 25th of Edward the Third, and not be so eager to hurl his constructive treasons on the heads of those who differed from him respecting the regency. He had ever understood, that our constitution was framed with so much circumspection and forethought, that it wisely provided for every possible exigency, and that the exercise of the sovereign executive power could never be vacant. He put the case, if he supposed that there might be a right in the Prince of Wales, (in whose patent of creation as Prince of Wales, he was declared and considered to be one and the same with the king,) to succeed his father in the exercise of the royal prerogative, and should proceed upon that supposition to urge a suit in the court of chancery, or any other court, should he be liable to be convicted of high crime and misdemeanor for such an assertion? In that case he conceived the charge of treason would not be made upon a sudden; but, if urged at all, it would be urged without any attempt at intimidation, any look of fury, or any voice of harshness. And yet, perhaps, the charge was thrown out merely to advise in the first place, that the Prince of Wales had no more right than any other person; and all his hitherto conceived notions of the meaning of a loud and most vehement tone of voice was possibly wrong; since it might mean nothing more than to make the expression which it accompanied clearly understood! Be that as it might, if he were to give an elective vote, it should be in favour of that prince, whose amiable disposition was one of his many recommendations, and not in favour of a prince, who charged the assertors of the right and claim of the Prince of Wales with constructive treason.

A committee of twenty-one, of whom nine were members of opposition, was appointed to sit, with the usual powers. The report of the said committee was presented on the 12th, and ordered to be printed; and on the motion of Mr. Pitt, it was agreed that the House should resolve itself, on the 16th, into a committee of the whole House to take into consideration the state of the nation. The House having resolved itself, on the 16th, into the said committee, Mr. Pitt moved the following resolutions: 1. "That it appears to this committee, that his majesty is prevented by his present indisposition, from coming to his parliament, and from attending to public business; and that the personal exercise of the royal authority is thereby, for the present, interrupted. 2. That it is the opinion of this committee, that it is the right and duty of the lords spiritual and temporal, and commons of Great Britain now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the royal authority, arising from his majesty's said indisposition, in such manner as the exigency of the case may appear to require. 3. That for this purpose, and for maintaining entire the constitutional authority of the king, it is necessary, that the said lords spiritual and temporal and commons of Great Britain, should determine on the means whereby the royal assent may be given in parliament to such bill as may be passed by the two Houses of parliament, respecting the exercise of the powers and authorities of the crown, in the name and on the behalf of the king, during the continuance of his majesty's present indisposition." The first resolution was voted unanimously. The arguments urged by Mr. Pitt in support of the second resolution were principally drawn from two sources, the precedents contained in the report of the committee, and the acknowledged maxims and spirit of the constitution. — Lord North opposed the resolution, and moved, that the chairman should leave the chair. — The original proposition was supported by the master of the rolls, Mr. Dundas, the attorney and solicitor general, and Mr. Hardinge, the solicitor general to the queen. — The question being put upon Lord North's motion, there appeared, Yeas 204: Nocs 268. The second and third resolutions were then severally put, and carried without farther debate. On the 18th, the House adjourned, on account of the illness of Mr. Fox, to the day following; when Mr. Pitt being called upon to inform them more distinctly of

the mode of proceeding he intended to adopt, stated, that as, in contemplation of law, his majesty's political capacity was entire, he should propose, that their proceedings should be under the royal authority, delegated by a commission under the great seal. That commissioners so appointed should open the parliament in the name of his majesty, in the usual form, and afterwards give the royal assent to such bills as might be passed by the two Houses, for appointing a regent to exercise so much of the royal authority as was necessary to be exercised during his majesty's indisposition. This he conceived to be the only mode of proceeding that could be adopted consistently with the principles of the constitution. The report from the committee being then brought up, and the first resolution read and agreed to, the second was objected to; and it was moved, by way of amendment, first, that the word "right" should be left out of the resolution; and afterwards, that instead of the words "in such manner as the exigence of the case may require" the following should be inserted, "by presenting an address to the Prince of Wales, heir apparent, and of full age, beseeching him to take upon himself the administration of the civil and military government of the country, during the indisposition of his majesty, and no longer." These amendments were moved by Mr. Dempster and Mr. Powys, and negatived without a division. The third resolution being then read, Mr. Dempster again moved an amendment upon it, the debate on which was adjourned to the twenty-second.

December 22.

THE order of the day being moved, for resuming the adjourned debate, the Speaker read the motion which had been made by Mr. Dempster for the amendment to the third resolution. The resolution of the committee stood thus: "Resolved, That for this purpose, and for maintaining entirely the constitutional authority of the king, it is necessary that the said lords spiritual and temporal, and commons of Great Britain, should determine on the means whereby the royal assent may be given in parliament to such bill as may be passed by the two Houses of parliament, respecting the exercise of the powers and authorities of the king, during the continuance of his ma-

majesty's present indisposition." The amendment was to leave out from the word "determine," to the end of the said resolution, in order to insert these words, "Humbly to address his royal highness the Prince of Wales, to take the care of the administration of the civil and military government of the kingdom, during the continuance of his majesty's indisposition, and no longer."

Mr. BURKE rose. He said, that he considered it as his sole pride and his exclusive glory to deliver, in his character of a member of parliament, his sentiments, not with a view to please the people by flattery at their own expense, and to persuade them they possessed powers, to which they had, under the constitution, no right; but, on the contrary, to speak against the wishes of the people, whenever they attempted to ruin themselves. He submitted his remarks to the consideration of the House, under these impressions, without fear and without seeking popularity; whether his sentiments would be considered as savouring of Whig or of Tory principles, he was very indifferent; and what the opinions of others were, as to the degree of desire he had for employment, he gave himself no uneasiness to discover. He knew as little of the inside of Carlton house, as he did of Buckingham house; he only hoped he should be understood as he really meant, to deliver his sentiments as a plain citizen.

After this exordium, Mr. Burke proceeded to remark, that our situation at present was really a state of inactivity, and such as was not to be relieved or remedied by the ordinary course of law: there was a defect which must be supplied, but it was to be supplied by the genuine spirit of our constitution; to travel out of the constitution, he hoped no member of that House would be rash or hardy enough to attempt: there was a tribunal of honour, and a tribunal of reputation, to which every man possessing the smallest sense of the dignity of virtue, would always consider himself accountable. We had been told, upon this solemn subject, that necessity obliged us to take certain steps; and all these declarations, when sifted, appeared to be mere

words expressive of the opinions of individuals, and which, if sanctioned and approved, would operate as an utter subversion of our liberties, our property, and our character as a nation. Thus the mere *ignis fatuus* of private judgment was to supersede the wisdom of ages. Was there, he asked, a possibility of selecting more seducing words than those with which the third resolution began, "That for maintaining entire the constitutional authority of the king, it was necessary that the lords spiritual and temporal, and commons of Great Britain, should determine" — What? Why, that the representative of the kingly honours shall have no other power than the House of Commons shall think fit to allow him; that the constitution shall in fact be changed, be overturned, and annihilated. For his own part, he was perfectly contented with the constitution as he found it; he wanted no alteration; but there were others who did, and who set little or no value on the wisdom, integrity, and patriotism of our ancestors, who struggled so gloriously in defence of the rights of an ungrateful posterity. To argue upon principle, he considered himself as fully justified in asserting, that Great Britain was governed by an hereditary monarchy; it was so by the written and by the unwritten law; it was so by the very essence of our excellent, our at present matchless constitution, and Heaven forbid it should ever prove otherwise! It was our own inheritance — it was our powerful barrier, our strong rampart, against the ambition of mankind. It held out an excellent lesson to the most aspiring; it said, "thus far shalt thou go, and no farther;" it sheltered the subject from the tyranny of illegal tribunals, bloody proscriptions, and all the long train of evils attendant upon the distractions of ill-guided and unprincipled republics.

The language of the resolution, indeed, excited his astonishment; that we are to devise means, that is, that the House of Commons are to direct the sovereign how he is to act. When he considered this, he believed every reasonable man would be induced to imagine, that we were in America, in the midst of a new commonwealth, devising

the best means we could to establish a new constitution, not to protest and preserve inviolate an excellent old one. He would not have it, however, understood that he was an enemy to all sorts of republics ; on the contrary, he knew full well there were many very good republics ; but that there existed on earth a republic calculated as well for the happiness of a nation, as our monarchy, he did not believe.

And yet, what was it possible for the House to think of the right honourable the chancellor of the exchequer's assertion, that any one subject had as good a right to the throne, in this instance, as his royal highness the Prince of Wales ; that was to say, that any individual had as good a right as the House of Hanover. Was it possible for such monstrous opinions to be entertained ? But at the present crisis, there was something very ungenerous in persisting in such sentiments. If we are to fight against the crown, said Mr. Burke, let us fight against it fairly ; when the monarch is seated on the throne, then the contest may be fair ; then we act manfully : but what is to be done when the crown is in a *deliquium* ? We are told to take a man with a large black brow and a big wig ; he is a fit person ; trust none of the royal family, for they will all rob the crown, because they are the relatives of the sovereign ; and, in order to fix a proper and legal sanction upon our proceedings, we will give a fictitious consent to our own acts ; for, we are to determine on the means whereby the royal assent may be given in parliament to such bills as may be passed by the two Houses of parliament, respecting the exercise of the powers and authorities of the king, during the continuance of his majesty's present indisposition. This is called the royal assent, without any intimation to the royal person of any such assent, or to the illustrious personage who is to act for him. This, Mr. Burke said, was a glaring falsehood, and a palpable absurdity. He did not approve of any robbery, whether it was house-breaking, highway-robbery, or any other felony ; yet each of them, in his opinion, was more excusable than law forgery. The great seal was to be affixed to a commission, robbing the executive power of its due func-

tion; a certain composition of wax and copper was to represent the monarch: this was a species of absurd metaphysics — such a preposterous fiction that he did not see how it was possible to treat it otherwise than with contempt and ridicule, did not the great effect which this absurdity was to have, make it serious and important. Here Mr. Burke said, “I disclaim all allegiance, I renounce all obedience and loyalty to a king so chosen, and a crown so formed. I have given my allegiance already to the House of Hanover. I worship the gods of our glorious constitution, but I will not worship Priapus.”

Mr. Burke next begged leave to inquire of the gentlemen on the other side, why they feared that the Prince of Wales would abuse his power, or why they doubted whether he would consent to any necessary abridgement of power, when such necessity should be made manifest? Had not the present king consented? had not George II. consented? had not even William III. consented? had not, in short, the whole line of our kings, since the Revolution, consented to all necessary limitations? And if they had, what reason was there to suppose that the present prince would adopt a conduct so different from his ancestors? And, if gentlemen thought so, why did they unanimously concur in choosing him, nay, proposing him, since there were among his majesty's ministers men of such pure and spotless virtue?

At once irregular as well as dangerous, was the present mode; for the House began with resolving themselves into a republic completely, instead of being one of the three estates. It was impossible, in any point of view, not to see the gross absurdity of the present mode of proceeding; a great deal had been urged in support of different precedents; but he should feel himself obliged to any gentleman who could point out one precedent where the heir apparent was of full age and discretion and fit to govern; where even in the darkest, the most distracted, irregular, and confused government, it was not the uniform opinion that such a prince should be chosen to govern. When all the

heterogeneous mass of cases and all the farrago of nonsense under the title of legal distinctions were considered, every man of common understanding, and integrity of principle, must see the necessity of governing the whole of them by the genuine spirit and the fair principles of the constitution. He hated all distinctions and constructions which would not square with the principles of good sense; and, if the contrary doctrine was adopted, the House might, among themselves, choose their own great seal, together with a person to hold it.

As to the case of the Speaker of the House of Commons in the 31st of Henry VI. it was allowed by gentlemen on the other side, that it was not law then; but by their present arguments it is law now. He dreaded the idea of a common recovery of the crown, where any individual, either in that House, or the House of Lords, was to become the voucher. When he wanted a king, he wanted a man possessed of proper and appropriate power; but a king by the Commons was the creature of the Commons; it was the king's name, but without his will.

Allusions had, upon this occasion, been made to the Revolution and the Restoration; but they were acts of necessity, having attendant upon them their peculiar ways. But what was the nature of the Revolution, and what was the nature of the restraints upon the executive power agreed upon, and consented to, upon that memorable period? They were these: if a king shall abolish or alter courts of law, trial by jury, or religion, or erect a standing army, then the compact is dissolved, and all right and power reverts to the people; and the people, by plots, conspiracies, or any other secret or violent means, may hurl such a king from the throne. The Revolution was, in fact, a precedent of a delinquent monarch, a precedent to teach this lesson to kings: "Discite Justitiam moniti et non temnere leges."

How exceedingly needless, also, was the notice which had been taken of the words of his right honourable friend, (Mr. Fox) upon the question of right. "O shame!" added

Mr. Burke, "I have lived to see, this day, a single word dropped from an individual, producing such alarming consequences, that nothing short of a declaratory bill, solemnly passed by both Houses, can be sufficient to answer the purpose of a negative to this word." Thus they had, indeed, paid a compliment to his right honourable friend, and thus they had presented him with a dish, on which the most gluttonous appetite might feed until it was satiated. Mr. Burke next adverted to the case of general warrants, and quoted the expressions of Sir George Savile, upon the power of the House, relative to declaratory laws. He observed, that the mention of Sir George produced before his mind the agreeable image of the Marquis of Rockingham, both of whom were happy in the oblivion of these degenerate times. With the idea of his right honourable friend, Mr. Fox, concerning the right of the Prince of Wales, he had the happiness to coincide; for, if the king be blind, dumb, lethargic, or apoplectic, there must be some person who is perfect, or else to whom do we owe our allegiance? Gentlemen on the other side seemed to consider themselves, like antiquarians, who valued a Homer without a head; and the constitution was thus made a museum. Mr. Burke expressed his anxiety to be informed, by those who cautioned the House against the danger of giving to the prince too much power, lest the king's right might, upon his returning health, be in danger, what the king could be supposed possibly to lose, by being represented by his own son? The rights, he contended, both of Lords and Commons, would be supported by it, and preserved. If the prince were allowed to represent the king, without limitation, it would prevent cabals, intrigues, and dissensions; indeed, reason and equity, the safety of the country, and the safety of the crown, were all joined in inducing him to agree to the sentiments of his right honourable friend upon this occasion.

Gentlemen on the other side of the House had thought proper to remark, that we had a weak government. We had, indeed, a weak government in two ways; for one king

was disabled by nature, and another was disabled by art. He repeated his request to know upon what principles ministers would elect the prince, if they suspected him? And if they did not suspect him, why did they wish to limit or restrict him? Were it possible for the sovereign to be made acquainted with the present situation of affairs, he would feelingly exclaim,

“ Upon my head they plac'd a fruitless crown,
And put a barren sceptre in my gripe,
Thence to be wrench'd with an unlineal hand,
No son of mine succeeding.”

He would then add, “ Restore me to my former state and opinion. Do not let me see a black-brow'd phantom on my throne.”

Adverting, next, to the consideration of depriving the prince of the power of bestowing honours, Mr. Burke remarked, that the fountain of honour had, indeed, since the year 1784, profusely flowed. He did not mean to infer that this was wrong; but, if his majesty had been thus bountiful, it would not be deemed extravagant to indulge his son a little in the same way; at least, to deprive him of that advantage was not very decorous. Suppose, for instance, the prince wished to bestow honours on the house of Cavendish, would any person in that House have the audacity to dispute the propriety of such honours? Or suppose his royal highness should be disposed to revive the title of Rockingham, would it be deemed extravagant or improper?—Here, conceiving himself to be interrupted during his remarks concerning the various possible claims for distinctions, which some families might have upon the prince, Mr. Burke observed, that, in vociferation and noise, some persons were very great, but he knew a set of hounds that would eclipse them. He declared, that, for his own part, he never spoke to the prince about any office; and here, perceiving a smile on some countenances, he added, that perhaps some gentlemen would not readily believe such an assertion; a doubt might

be to them natural enough; but he wished to impress the House with a proper sense of the necessity of not depriving the prince of the power of bestowing honours. "I should not," he remarked, "mean, insignificant, and trifling as I am, like to see my name upon the roll of proscription." All sorts of proscription, in cases similar to the present, were nonsensical, insane, and most preposterous declarations; for they deprived the executive power of an essential part of its functions—of the glorious opportunity of rewarding virtue. Mr. Burke briefly alluded, as an instance analagous to the present, to the case of Charles the Sixth of France, and concluded with advising the House to reflect upon the probability of convalescent sanity, and also to remember the danger and possibility of a relapse. The present occasion was an awful one; and, therefore, he trusted that the House, deeply impressed with a sense of its alarming and unprecedented nature, would come forward and provide effectually for the national security and welfare.

The amendment was also supported by Mr. Fox, Sir John Aubrey, Lord Fielding, and Lord North. It was opposed by the solicitor-general, Sir John Scott. The question being put, that the words proposed to be left out stand part of the said resolution, the House divided: Yeas 251: Noes 178. The amendment was consequently lost. The original resolution was then put and agreed to; and the three resolutions were ordered to be delivered to the Lords at a conference, and their concurrence to be desired.

January 6. 1789.

MR. Pitt having given notice that he should this day propose to the House the restrictions, within which the exercise of the regal power should be granted to the regent, Mr. Loveden, the member for Abingdon, rose as soon as the order of the day was read, and moved, "That a considerable space of time having elapsed since the examination of the physicians, with

respect to the state of his majesty's health, it is necessary to know whether any alteration or amendment has taken place, and therefore, that the physicians be called upon to inform this House if the present symptoms are such as give reason to hope for the king's speedy recovery." This motion gave rise to a warm debate. As an entire change in the ministerial offices of government was considered as one of the immediate consequences of the appointment of the Prince of Wales to the regency, the restrictions which Mr. Pitt had declared his intention of moving, could not fail to weaken and embarrass in a considerable degree the new administration, and as the propriety of these restrictions was contended for upon a presumption of the speedy recovery of the king, the contending parties caught with great eagerness at some little difference of opinion relative to that point, which prevailed amongst the medical gentlemen who attended him. In the course of the debate, Mr. Pitt expressed his anxiety to have the government put into such a situation, as should enable it to act with energy and effect. He treated the opinion of Dr. Warren, who was less sanguine in his expectations of an immediate recovery than others, as if it had been dictated by a partiality to the rising administration; and he insinuated, that from the warmth with which that opinion was taken up and defended on the other side, it looked as if those gentlemen spoke from their wishes.

Mr. BURKE begged leave to congratulate the House upon the declaration of the right honourable the chancellor of the exchequer, that he was anxious that the government should be put in a situation to act with energy and effect. It was the first time that they had heard of such a declaration, and it was well worthy their notice. The House would recollect, that when the report of their committee was laid upon the table, they were given to understand that the king's illness was likely to last but a short time, and then, a full month afterwards, they heard they were exactly in the same state of expectancy which they experienced when their report was made. The right honourable gentleman had declared, that they were to go upon that report as the basis of their proceedings, having no more recent intelligence upon which they could, with propriety,

ground their investigations. The right honourable gentleman would not surely contend, that the report of the House of Lords had not been made since the report of that House; because the examination of the House of Lords was taken since, and taken on oath, which, it must be allowed, gave the report of the House of Lords more authority than the report upon their table could possess. That report the lords had published for their information, and for the information of the world in general. That report he held in his hand, and that report said, that the probability of his majesty's recovery was more doubtful than their report stated it to be. No person could (the right honourable gentleman had declared) or ought to state facts without substantiating them and going into an inquiry. He (Mr. Burke) had taken pains to ascertain facts, and he was ready, at a proper time, to prove them to the conviction of the right honourable gentleman and of that House. Not having been of the committee, he possessed but little authority, and therefore he had endeavoured to supply the deficiency by information, and had resorted to the report of the House of Lords. In consequence of his majesty's unfortunate illness, what infinite calamities had befallen the country! calamities which, unless speedily prevented, might be followed by others, the event of which he dreaded to contemplate; and, therefore, the sooner the government was restored to its wonted energy the better; but then, it ought to be really a government of energy and effect, and not a maimed, crippled, and impotent mockery of government. In order to ascertain the fact, however, that his majesty's illness was not likely to be of short duration, let them turn to the report printed by the House of Lords. Mr. Burke here read several questions and answers from the examination of one of his majesty's physicians before the committee of the House of Lords, the substance of which questions and answers was as follows:

“Are there any signs of a returning understanding? No. — Since you was examined last at the privy council, have there been any more favourable symptoms of his ma-

jesty's recovery? There are no symptoms of this disorder, but the single one of want of understanding. The words and the actions of persons under this disorder are accidental, and depend upon the difference of the persons themselves. A man that has a variety of ideas, will talk and act very differently from one who has fewer ideas, or has led a different course of life: his words and actions will be determined by the peculiarity of the man, and not by the distemper. Under this explanation the symptoms are more favourable. — Is the probability of his majesty's recovery of his understanding varied or affected any way by the actual duration of his illness? The probability of cure diminishes as the time of the disorder lengthens."

Here, Mr. Burke remarked, was a regular ratio to guide the House in forming their judgment; strong grounds were laid for the government of their opinions, and if the argument was true, no fit occasion could present itself to examine the physicians again. If the last answer which he had read, was to be depended on — and let them remember it was an answer delivered by a grave and learned physician on oath — it bound their Speaker, it bound him, and it bound every member of the House. It was their duty to pay it due attention before they cut and carved the government, as they would cut out morsels for hounds, rather than immolate it as a sacrifice to the gods. The report in his hand expressly said, that his majesty's recovery was less probable, because his illness had now continued a full month longer than when his majesty's physicians were examined before a committee of that House. The other side of the House expressing some displeasure at Mr. Burke's mode of reasoning, he said, that he perceived it was the wish of some gentlemen to disturb him, and prevent his delivering his sentiments. They had often done so with too much success before, but he was determined that they never should gain their ends again.

Mr. Vansittart asked Mr. Burke the name of the physician whose answers he had read from the report of the House of

Lords, and whether the other physicians agreed with him in the opinion which he had stated.

Mr. BURKE said, it was the examination of Dr. Warren. Here there was a general cry of Hear! hear! from the treasury-side of the House. Upon which Mr. Burke asked, were their schemes ripe, that they ventured thus early to betray their sentiments? Were they going to build a weak and miserable machine of government on that foundation of fraud and falsehood and calumny? Were they going to rob the first physician of this country of his character? He called upon them to shew how Dr. Warren was likely to have given a false, precipitate, and ill-grounded account of the state of his majesty's health on oath? By their clamour, they had furnished an unanswerable argument for a fresh inquiry. He knew Dr. Warren, he belonged to a society where the Doctor frequently came, had always found him an instructive companion, and had ever heard him considered as a man of learning, great integrity, and honour; but, if he were a desperate quack, unskilled in his profession, and daring enough to deceive the House of Lords, and to deliver an ignorant and unfounded opinion of the situation of his majesty on oath, he ought to be enabled to ascertain the fact, and it could be ascertained by another inquiry, where Dr. Warren might be uncased to the eyes of mankind, and exposed to the contempt and ignominy which he deserved, if the imputation were true. Mr. Burke concluded with remarking, that a sudden cry was more eloquent than any composition of words, because the genuine sentiment of the soul betrayed itself in involuntary exclamations, while words were frequently used for the purpose of concealing men's feelings, and of exhibiting a false colour for their conduct to the eyes of mankind.

Mr. Vansittart observed, that though Mr. Burke had answered one part of his question, he had taken no notice of the other, which was a desire to know whether the rest of his majesty's physicians concurred in the opinion of Dr. Warren.—Mr. Pitt said, he could not avoid most seriously lamenting the degree of

warmth which had been used, where nothing like violence ought to have characterized their discussion. He could not but feel concern, in particular, that Mr. Burke should have done himself so much injury, as to have betrayed a degree of warmth which seemed to have arisen from his entertaining wishes different from those of the rest of the House.

Mr. BURKE answered, that he always thought it necessary to stand upon his guard when the right honourable gentleman undertook his defence. The right honourable gentleman not being able to carry any point by reasoning, had fallen upon his motives, instead of his arguments, well knowing that it was a safer mode of attack, because every man could judge of the justice of the one, though no one could possibly guess at the truth of the other. There was, however, so much of malice in the right honourable gentleman's compassion, and so much of censure in his lamentations, that he hoped he would have the kindness to be more sparing of his pity, and to leave him out of his lamentations for the future. In answer to Mr. Vansittart's question, whether the other physicians concurred in opinion with Dr. Warren, Mr. Burke read extracts from Sir George Baker's examination. He then took notice of Mr. Pitt's observation concerning the tone and emphasis with which he had mentioned the circumstance of the Lords' report being a month old, and contended, that if the right honourable gentleman prescribed the mode of examination of the physicians, the House never would find out the truth: because, if learned men were to be examined by ignorant men, the ignorance of the latter rendered the learning of the former of no avail, it being impossible for those who were unknowing in a difficult profession, to put such questions to knowing men, as should extract the necessary information. If a difference of opinion existed among his majesty's physicians, why was not Dr. Monro called? The keeper of one mad-house ought to be set against the keeper of another, and by the opposition they would come at the truth. He knew that Dr. Monro was,

to that day, consulted by the first physicians in existence. The right honourable gentleman had asked for good grounds to be shewn, why opinions were entertained that his majesty's recovery was more improbable than it had been four weeks since; and he, in like manner, called upon the right honourable gentleman to shew what grounds there were for the opinion which he entertained, that a greater probability of his majesty's recovery existed at present than was perceived before. The right honourable gentleman had absolutely compelled him to say something, in consequence of his having thrown out a most malignant and unmerited imputation. To charge him with not wishing his majesty to recover, was as foul an aspersion as could have come from the lowest man in that House; and he, Mr. Burke observed, should be the last free man in it, if he suffered himself, at any time, to be brow-beaten by that right honourable gentleman. The right honourable gentleman was fond of throwing about his treasons and his ill wishes; but, for his own part, he would never tamely submit to either. With regard to any warmth which he had betrayed, he should not hesitate to affirm that he had not let a word escape him, that he should be ashamed to have recorded. His voice was weak, and therefore he was forced to raise and exert it; but it did not follow that he was in a passion; he might say, with one of the ancients, who had been charged with being in a passion, "I feel my pulse, and see if it does not beat temperately." When he spoke of a fact, without being ready to adduce any authority for it, then let him be arraigned by the right honourable gentleman, and then let unworthy motives be ascribed to him. He hoped to meet with judges more favourable, than to attempt to criminate him from imputed wishes, when he had argued from authentic information. When he fled from inquiry, then let the right honourable gentleman aim his envenomed shafts at him. He was ready to go into a full and free inquiry at the bar; because there he could do justice to himself, but not in a committee. Let Dr. Warren be placed against another eminent physician, and a keeper of

a mad-house with thirty patients against the keeper of a mad-house with three hundred, and thus the House would become possessed of well-founded and complete intelligence.

After much debate, it was agreed that a new committee should be appointed, and that the physicians should be re-examined.

January 13.

THE committee sat till this day, when their report was presented to the House by Mr. Pitt. On the motion, that it be now read,

Mr. BURKE rose and observed, that he would confine what he had to say to a few words, and a few words only. It always gave him pain to differ in opinion from gentlemen with whom he was associated for the purpose of discharging a public duty; and, on the present occasion, it gave him as much pain so to differ, as it ever had done on any one occasion that had occurred in the whole course of his life; but there was a point of duty, and, in that duty, a point of importance superior to every personal consideration. It was, therefore, in compliance with that important duty, that he then felt it incumbent on him to rise, to object to the report being read, to move for its recommitment, to complain of the conduct of the committee, and to accuse them of not having faithfully discharged their duty. The first matter which he should beg leave to state was, that instead of construing the order of the House which appointed them, in its largest sense, and extending their inquiry to that degree which alone could be likely to furnish ample evidence, they had narrowed it within the literal construction of the order, and confined themselves to the bare examination of his majesty's physicians, without calling before them any of the surgeons, apothecaries, and others, who had attended on his majesty, and by that exclusion had debarred themselves of the opportunity of learning

from the most likely channels of authentic information, the actual state of his majesty's health, and the progress of that alteration and approach towards convalescence, from whence they were to collect their hopes of his recovery. From this circumstance of their having narrowed their ground, and included themselves within the letter of the law, they had deprived themselves of the possibility of reporting the whole truth; and, thus, by a partial and imperfect report, had given what it contained of truth, in such a maimed and mutilated state, that it could not be relied on.

Mr. Burke added, that he was aware that the committee had acted under the order of the House; but still he thought it right to state what he had said, in support of his charge against the committee; at the same time, he did not rest his complaint to the House chiefly on the circumstance of the committee having narrowed their ground of inquiry, and confined it too literally to the order, upon the authority of which they had proceeded. There were other grounds of complaint, consisting of the omission of certain material circumstances, tending, in his opinion, to give the committee a just estimate of the state of his majesty's health, and of the probability of his cure. Mr. Burke explained these to consist of two points, the chief of which was, that of two of his majesty's physicians having been set against each other, and examined as equal in point of skill. He did not so much complain of Dr. Warren and Dr. Willis having been put upon an equality, and so considered, because it was impossible for him to know, whether in point of fact they were so or not; but where there was a manifest difference of opinion between two professional persons, in respect to the nature of the king's case, the only way for unlearned men to enable themselves to decide which authority ought to preponderate and govern their opinion, was by calling other physicians before them, and by examining them, collecting to which of the two so set against each other, the greatest degree of credit ought to be given.

Mr. Burke here observed, that it appeared plainly to him, in consequence of what had come out in the course of

the examination, that his majesty's life was not safe, nor had it been safe since he had been put into such hands. He did not mean by this déclaration, that there was any where a treasonable design to take away his majesty's life. Heaven forbid, that there should be any such design ! He imputed a murderous design to no man, but he must take the liberty of repeating, that it appeared to him — and he believed he might say, that it thus appeared to others of the committee — that his majesty's life was not safe, and all this owing to no bad design in any person, but to the rashness of those to whom the care of his royal person was intrusted. That trust, if he might so phrase it, was of too sacred importance to be suffered to be executed rashly, carelessly, and improperly. In it were involved the life of the sovereign and the interests of his people.

Mr. Burke declared that he should, on the grounds which he had stated, move to recommit the report, because it was, in his opinion, highly essential, that, having contrasted two physicians together, the other physicians ought to be fully examined upon the points in dispute between those two physicians so contrasted ; and, if the committee did not possess sufficient powers to pursue such an examination, they ought immediately to have come to the House and asked for farther powers. He was aware that his motion would be attributed to delay ; but although the report upon the table certainly would appear important ; it still must acquire an additional consequence if rendered more extensive, and it would at the same time prove more faithful, more fair, and more full, as well with regard to its object, as to the physicians themselves.

The question for reading the report was put and carried ; and as soon as it had been read *pro formâ*, Mr. Burke moved that it be recommitted. This motion was negatived without a division. The report was ordered to be printed, and to be taken into consideration in a committee of the whole House on the state of the nation upon the Friday following, on which day Mr. Pitt opened his plan to the House. The resolutions moved

by him being carried, were reported to the House on the 19th, and ordered to be delivered to the Lords at a conference.

January 26.

THE masters in chancery having brought a message from the House of Lords, requesting a present conference,

MR. BURKE remarked, that he wished earnestly to be made acquainted with the subject matter of the intended conference. Reports were circulated, that a proceeding of considerable importance was about to take place in the other House of parliament. He trusted, therefore, that the chancellor of the exchequer would give them some information on the subject, and, the resolutions having been sent up from that House, would state to them what was the next step which they were to be called upon to take; since, without such information, the whole matter must continue dark and unintelligible.

MR. PITT said that he was not aware of any irregularity in the present proceeding, nor, indeed, in any measures which hitherto had been pursued, upon this important and melancholy occasion. They had sent the resolutions, as soon as the House had voted them, up to the House of Lords, and now a conference was demanded by the Lords; but it was impossible for him to state what would pass at that conference; although he should suppose that the object of it very properly was to let them know, that the House of Lords had agreed to the resolutions sent up by that House; and, surely, a request of this reasonable nature could not be seriously considered by any honourable gentleman as objectionable.

MR. BURKE replied, that if he had discovered even the most distant intention of objecting against the conference, the right honourable gentleman's answer would have been

fair ; but he appealed to the House, whether he had so objected. On the contrary, he had merely risen to ask for information ; and that information was, it seems, to be denied the House. Mr. Burke added some general reflections on the steps that had been taken by the two Houses hitherto, and said that every step in which they proceeded, was an attempt to introduce some new principle in the constitution.

Mr. Pitt said, that surely it was not introducing any new principle in the constitution for him, as a member of that House, to refuse giving any information of what was about to pass in the other House.

Mr. BURKE observed, that he must still insist, that the act of sending up the resolutions to the House of Lords, tended fundamentally to destroy the deliberative capacity of that and the other House of parliament. To vote resolutions in the abstract, was a new mode of proceeding, attended with much inconvenience. Their former regular way had this advantage ; they were not committed by the other House, but had frequent opportunities of knowing whether the bill introduced by the other House, and grounded upon their resolutions, was a monster or not. By the mode that had been adopted of their voting resolutions, in the name of the House of Lords, and obtaining the subsequent concurrence of that House, the House of Lords had pledged themselves to the bill founded on those resolutions, and that House, in the same respect, were pledged ; so that the two Houses were mutually pledged to each other ; a circumstance, which tended to undermine and take away the deliberative capacity of both. For this they had but one precedent, and that was the Irish propositions ; but, at that time, much weighty and serious argument had been urged against such a mode of proceeding. For his part, he thought the reason assigned for it, a bad one at that time, and he thought so now. The same reason, however, did not then exist, nor could it be contended,

that they were obliged to wait the concurrence of a third party.

The question being then put, it was agreed, that a present conference should be held in the painted chamber. As soon as the conference was over, Mr. Pitt informed the House, that the next step which he should propose, would be to lay the resolutions, voted by the two Houses, before the Prince of Wales, in order to know whether his royal highness was willing to accept the regency upon those conditions, and therefore he gave notice that he should make a motion for an humble address for that purpose, on the morrow. In answer to Mr. Grey, he called upon the House to recollect the steps which they had taken. They had, in the first instance, examined his majesty's physicians, and ascertained his incapacity. An intention having then been intimated, to assert a right to assume the exercise of the royal authority, it became necessary to discuss that point, and to decide upon it: having done so, the House had proceeded to lay the grounds upon which a bill was afterwards to be brought in, appointing and declaring a regent; and these grounds were contained in certain resolutions, which they had sent up to the Lords, and which now awaited their answer.

Mr. BURKE said, that the conduct of the right honourable gentleman was arbitrary in the extreme, and that he had made "*sic volo, sic jubeo, stet pro ratione voluntas*," the rule of his proceedings. The right honourable gentleman said, that the only cause of delay, had been the discussion of their right to act. He desired to know who it was that had questioned that right? Where was the question to be found? The right honourable gentleman had forced the House into the discussion, and, in his haughty style, had said to the House, "Slaves, do you presume to hesitate, or hint a doubt upon the matter? I will put an end to your scruples. The question shall be debated; it shall be decided." They all knew the nature of the dominion, which the right honourable gentleman meant to exercise over the regent's government. It was as absolute a tyranny, as any exercised by Julius Cæsar, Augustus, or Oliver Cromwell. With regard to the doubt of the right

that House had to act, of which the right honourable gentleman had talked, no man meant it, no man had said it; but the right honourable gentleman had stooped from the dignity of the supreme sovereignty which he had assumed, to combat a right which had not been claimed. Mr. Burke said, he disliked this union of the fox's tail, and the lion's skin. It was an unnatural junction of low cunning, and supreme authority.

January 27.

THIS day Mr. Pitt, after recapitulating the steps that had been already taken, observed, that before the House proceeded any further, he thought it would be both most respectful to the Prince of Wales, and most expedient in the order of their proceedings, to endeavour to know whether his royal highness was willing to accept the regency upon the terms of the resolution which they had come to. With this view he moved, "That a committee be appointed to attend his royal highness the Prince of Wales, with the resolutions which have been agreed to by the Lords and Commons for the purpose of supplying the defect of the personal exercise of the royal authority during his majesty's illness, by empowering his royal highness to exercise such authority, in the name and on the behalf of his majesty, subject to the limitations and restrictions which the circumstances of the case appear at present to require; and that the committee do express the hope which the Commons entertain, that his royal highness, from his regard to the interests of his majesty and the nation, will be ready to undertake the weighty and important trust proposed to be invested in his royal highness, as soon as an act of parliament shall have been passed for carrying the said resolutions into effect." This motion gave rise to a considerable degree of altercation, in which Mr. Pitt was accused, and defended himself against the accusation, of having treated the Prince of Wales, throughout the whole course of the proceeding, with the most shameful want of attention and respect. He said, he hoped that gentlemen would in future consider the grounds of rumours, before they hastily gave them credit. In answer to Mr. Pitt,

Mr. BURKE observed, that he placed no confidence whatsoever in mere rumour, and the rather, because he knew what the right honourable gentleman's conduct had been; and was too fully convinced that he had shewn great want of respect and attention to the prince, in the whole course of the proceedings respecting his royal highness. The right honourable gentleman had talked of etiquette, denied all consciousness of guilt, and called for the proof. If they had been accusing the right honourable gentleman of a crime, they must have had recourse to the laws; but, it was a want of civility and good manners, where both were so eminently due, that they were charging him with, and that charge was easily made out. The right honourable gentleman had said, that to treat the prince with disrespect, was to treat his majesty with disrespect; the right honourable gentleman was, in that opinion, correct, since those who injured the Prince of Wales, undoubtedly injured the king. That fact being admitted, what were they, then, to think of the right honourable gentleman's not having consulted the Prince of Wales on the subject of convening the privy council, and the measures to be taken therein? The right honourable gentleman had declared that the king's servants were not to take orders from the prince, but to consider him as any other member of the council. Was the man, he would ask, to be regarded as shewing the necessary degree of respect and civility to the Prince of Wales, who, because he was not by law bound to take orders from his royal highness, therefore chose to pass him by without notice? In what a peculiar situation did his royal highness stand! A grievous calamity had fallen on his family, and he had thereby lost the protection of a father, who, in a state of capability, would have guarded him from the insolence of his servants. There was an evident and a gross want of attention and even of humanity in the right honourable gentleman's conduct; since, in the case of an affliction having befallen the father, who, he would ask, ought to be consulted as to what was necessary to be done, so soon as his eldest son? Was it not usual, in all

cases of illness and disaster happening to the head of a family, to have recourse to the next person in it, as the one most interested in the event of the affliction? Great incivilities, when premeditated, might pass into something of a higher nature than want of respect, and might be met upon other grounds; but, in considering that no more notice was due to the Prince of Wales than to any other member of the privy council, there had been a reprehensible want of attention.

Mr. Burke said, that the right honourable gentleman had forced the House to debate the question of right, without having previously communicated to the Prince of Wales, that a right, in which his royal highness was so much interested, was about to be made the subject of discussion. That was, in his mind, a great indecency, and the more so, after the respectful, but at the same time dignified manner, in which that discussion had been deprecated by the Duke of York, and a declaration made, that the Prince of Wales, from a thorough regard to the constitution, whatever right he might have, was willing to accept the regency on such terms as the two Houses of parliament should think proper to give it. Mr. Burke praised the fraternal affection manifested by the Duke of York, which, he said, proved his royal highness to be a worthy person, and afforded well-grounded hopes that he would be ready and willing to assist his brother. With regard to the manner of communicating the intended restrictions to the Prince of Wales, the right honourable gentleman could not be ignorant that when papers were sent to his majesty, the usual mode of transmission was by a black box, which was deemed respectful, the box being considered as marking the respect. Mr. Burke added, that he would leave the degree of disrespect manifested in this instance to the judgment of the public, who would, doubtless, decide it in their usual manner. It was beyond a question, that those who approved the right honourable gentleman's conduct, would have imitated it, had they been in his situation. As to the question then before the House,

it was nothing more than a direct endeavour to create unnecessary delay. They had been taught, on the preceding day, to think that the business of the address would have come on in the House of Peers; and why such a circumstance had not occurred, he could not tell, but he saw no reason whatever for losing a week. The right honourable gentleman had said, that they could not receive the answer of his royal highness before Thursday, and that they could not sit on Friday. He asked, why not sit on Friday? Friday was the only day proper for such business. The day on which the nation was to commemorate the extinction of monarchy, which had not been effected without the spilling of blood; and therefore Friday was, of all days, the most fit for taking that step, which was to annihilate the constitution, and to change the form of our government. Whether the putting off the business in the House of Lords on the preceding day, had been owing to a difference amongst ministers, he knew not; but there was a little bird, a small robin red-breast, which sung that something like it had happened; and when he talked of a little bird, he borrowed the idea from the right honourable gentleman's father, who had said, a little bird told him that the lords of the bedchamber were, at a certain time, supposed to exercise their influence in a manner not absolutely proper. The same bird, Mr. Burke remarked, had whispered to him, that there was a reason for not proceeding as had been intended, and for suddenly shifting the business upon their shoulders. Alluding to the speech of the lord chancellor, Mr. Burke added, that perhaps the other House were not yet recovered from the effect of that extraordinary burst of the pathetic which had been exhibited the other evening; they had not dried their eyes, and been restored to their former placidity, and were unqualified to attend to new business. The tears shed in that House on the occasion to which he alluded, were not the tears of patriots for dying laws, but of lords for their expiring places. The iron tears which flowed down Pluto's cheek, rather resembled the dismal bubbling of the Styx,

than the gentle murmuring streams of Aganippe. In fact, they were tears for his majesty's bread. Those who had been fed by the king's bounty were supposed to have deserted him in his utmost need. There was a manifest difference between that House and the other; between patricians and plebeians. They, in an old-fashioned plebeian way, would have observed, "If we can no longer serve the king, we will no longer receive his wages; we will no longer eat his bread;" but the lords of the household held a different language, and pursued a different conduct; they would stick by the king's loaf as long as a single cut of it remained. They would fasten on the hard crust, and would gnaw it, while two crumbs of it held together; and, what was more extraordinary, they would proudly declare at the time, that it was the honour of the service which they regarded, and the dignity of their offices; and that as to the emoluments, they did not value the money three skips of a louse. This was gratitude — a degree of gratitude which courtiers never failed to exhibit! Under that roof, they considered mankind as subject to human frailty, and dreading the effects of that infirmity, to which all human nature was equally liable, they tried to guard against it, by voting again and again, that officers of all and every description should be disqualified from sitting in that House. But the lords of the household were a different order of beings; they were beyond the reach of influence; they were a set of saints and philosophers, superior to the lusts of the flesh and the vanities of the world.

Mr. Burke observed, that the right honourable gentleman had called his honourable friends the champions of the constitution, and he declared that they ought to be such. They were placed there for that purpose, and they would abuse their trust, if they took powers which did not belong to them, in order to flatter another with a degree of authority which did not belong to him, or in order to deprive another of a right which did belong to him. The right honourable gentleman was bound to shew why he chose to prefer a limitation of the regency, in point of time, to a limitation of the restrictions. His right honourable

friend who was absent (Mr. Fox) had not declared that he approved of that limitation, but had remarked, that if they meant to make a republic, he should, in such a case, approve of a limitation of the regency, and an annual election. Mr. Burke said, that he should approve of it for the same reason. If they chose to make a republic, why did they not make it in a manly way, and openly declare their intention? If he were asked, did he hate a republican speculation? he would answer, No. But he knew a republic could not be speculated upon, according to the principles of our constitution. He loved, he revered, he adored the true principles of a republic, but, was that the mode of instituting a republic? "O republic!" exclaimed Mr. Burke, "how art thou libelled! how art thou prostituted, buffooned, and burlesqued! O fabric! built after so many ages, and cemented by the blood of patriots, how art thou degraded!" As well might it be said, that the mutilated creatures of the Opera-house were the representatives of heroes, the true and perfect Cæsars, Catos, and Brutusses, of Rome, as that strange and jumbled chaos, the representative of a real republic! Such an attempt to establish a republic as the present, was the certain way of having a monster set over them, and introducing the most hypocritical sort of government to which it was possible to resort.

Mr. Burke reprobated the idea of the fiction of law, which was to be made use of to open the parliament, and said, that he never had heard of a phantom being raised in a private family, but for the purpose of robbing the house. So far from being a representative of the forms of the constitution, it was a masquerade, a mummery, a piece of buffoonery, used to burlesque the constitution, and to ridicule every form of government — a phantom conjured up to affright propriety, and drive it from our isle — an hideous spectre, to which, in the language of Macbeth to Banquo's ghost, it might be said,

"Avaunt and quit my sight! Let the earth hide thee!
Thy bones are marrowless, thy blood is cold;
Thou hast no speculation in those eyes
Which thou dost glare with."

And so, in fact, it was with this political spectre; its bones were marrowless, its blood was cold, and it had no speculation in its eyes. He reprobated it, therefore, as a chimaera — a monster taken out of the depths of hell. As to the letter of the chancellor of the exchequer to the prince, Mr. Burke declared, that it conveyed private intimations, which he would not publicly avow, and added, that with respect to the right honourable gentleman giving his word, he might do as he liked; but, if he did not agree to a special limitation of the restrictions, his faith was broken; because, if they passed the bill, without any clause of limitation, they gave the lock and the key to the door of revision and limitation out of their own hands, and delivered both over to the other House. These were dangerous points, and he must contend that they were illegal, and, unfortunately, without remedy. The people at large, who were deluded, and acted upon that delusion, could not be punished, because it would be a massacre; but what should they say of those who misled the people, and under a pretence of an ardent zeal for the constitution, endeavoured to advance the purposes of their own private ambition? Mr. Burke concluded with stating, that for the reasons which he had mentioned, he should support the amendment.

The motion was voted without a division, and ordered to be carried to the Lords for their concurrence, together with a similar resolution for a committee to lay before the queen the resolution of the two Houses, relative to the care of his majesty's person.

February 2.

ON the 31st of January the House of Lords resolved, "That it is expedient and necessary, that letters patent, under the great seal of Great Britain, be empowered to be issued by the authority of the two Houses of parliament, in the tenor and

form following." Then followed an exact transcript of the writ usually issued under the sign manual, empowering certain commissioners to open and hold the king's parliaments at Westminster. The resolution being communicated to the House of Commons, Mr. Pitt, on the 2d of February, moved for their concurrence therein, and took occasion to observe, that during the recent debates, unconstitutional principles had been held by those, who now lamented their having ever started them, and who were afraid and ashamed to avow, and even seemed willing to retract them.

Mr. BURKE next rose. He said, he would look the minister full in the face, and tell him that he, for one, avowed all the principles that he had ever entertained on this subject, as did a right honourable friend of his, who was now absent, but to whom allusion had been frequently made on this subject. But the chancellor of the exchequer was extremely judicious, he observed, in the time of his attack; he levelled his charges against his right honourable friend (Mr. Fox) when he was absent, just as he attacked the prerogative of the crown, when it could not defend itself. The minister, he said, had declared, that he had proposed the preliminary resolutions, solely because a claim had been set up in favour of the Prince of Wales, who was said to have a right to the regency. Now, if that was his object, he had worded his resolution on that head so ambiguously, that a man might at the same time vote for it, and maintain the right of the Prince of Wales to the regency. For what did that resolution declare? Why, that it was the right and duty of the two Houses of parliament to provide for the exercise of the royal authority. Now, in a resolution so worded, there was nothing incompatible with the right of the Prince of Wales; for it was unquestionably the province of the two Houses to decide upon that right, and adjudge it to him. The definition of a right of action was, in all countries, not a right to take possession of the thing claimed, but *Jus prosequendi in judicio*, or a right to carry a cause before a tribunal competent to decide upon it: the two Houses, in

case of the prince's right to the regency, were that tribunal; and without their adjudication, his royal highness could no more assume the exercise of his right, than a plaintiff in a court of law could put himself into possession of the lands or goods withheld by the defendant. This, he said, was no shifting of ground, but a strict adherence to a principle, which he would illustrate by two cases, and, for argument sake, take the liberty of supposing.

Should the king of this country, or should the prince of Wales, be reconciled to the church of Rome, which would induce the forfeiture of his right to the crown, and vest it immediately in the next heir, to whom it would have descended in case of the natural demise of the person so forfeiting, the right accruing to the next heir must be admitted to be positive, indisputable, clear, and distinct; and yet would any one say that the duke of York, in whom the right of the crown would vest instantly upon the forfeiture, could take upon him the government of the country, before the two Houses of parliament should have decided upon the fact, whether forfeiture had really been incurred, by which the right could be vested in the duke? Certainly not. Here, then, would be a real, declared, and positive right in the duke, which nevertheless he could not, however, exercise but in consequence of an adjudication in parliament. In such a case, might not a man say it was the right and the duty of the two Houses to provide for the safety of the government, and at the same time assert that the duke of York had a right to the crown?

Another case, which he supposed was a resignation of the crown made by the king. In that case the crown would descend just as if the king was actually dead; but still the Prince of Wales could not take upon him the government of the country, until the two Houses should have accepted the resignation, and determined that it was voluntary. Here two rights, very distinct in their natures, would be found, the right of the prince to the crown, and the right of parliament to adjudge it to him; and it would be absurd, indeed, to infer that, because the latter had the

right of adjudication, it had also the right of adjudging it when it pleased.

But what was the doctrine of the chancellor of the exchequer on this head? It was not only that the prince's claim to the regency was not well founded, but that in point of fact, he had no more right to it than any other individual in the kingdom. A monstrous, false, perfidious, and abominable doctrine, which, if once admitted to be founded in the constitution, would open a door to ambition, that would overturn the government.

At the time of the Revolution, the doctrine laid down by the wisdom of our ancestors was, that the hereditary succession of the crown was absolutely necessary for the peace of the government, and the security of the constitution. But should those, who might wish to defeat that succession, lay down this principle, that every man in the nation had as much right to the regency as the Prince of Wales, and acting upon it, should appoint some person, not interested in the defence of the crown, to the office of regent during the king's incapacity, who would venture to say, that the hereditary succession to the crown, pronounced by our ancestors to be so necessary to the security of the constitution and the happiness of the people, might not be endangered? and should the incapacity of the king last twenty or thirty years, which was very possible, who would be bold enough to assert, that the whole power of the fleet and army, of the revenue and patronage of the crown, being in the hands of one not interested in the preservation of the hereditary succession, might not in the end be completely defeated?

The people who had voted thanks to those who had supported the minister, touched upon points which they did not understand; this was the most charitable opinion he could entertain of them; for if they did understand them, they adopted language which was pregnant with mischief. They had said that the minister, by asserting the rights of the House of Commons, had maintained the rights of the empire. What did they mean by the word

empire? Did they mean to say that Ireland, a part of the empire, was to be bound by the resolutions of the English House of Commons; and that the Irish legislature, after having asserted its independence, was bound to receive a regent from the British parliament? The spirit of a legislature, which was as independent of that of Great Britain as were the Cortes of Spain, or the states general of France, would revolt at the idea; and thus the connection between the two countries would be endangered by a measure, the obvious tendency of which would be to sever them for ever. But perhaps it was meant that every part of the empire might choose a regent for itself. This doctrine might be carried very far indeed; for perhaps Nova Scotia, Nevis, or any part of the British empire, having a legislature of its own, might lay claim to and assert what some of the meetings in England have declared to be the rights of the empire.

It might not be the intention of those who voted thanks to the majority, to invade the independence of the legislature of Ireland, but they should take care, lest they gave countenance to a principle likely to produce as dangerous effects, as if they were to attempt to destroy the independence of Ireland, by voting a regent in this country, whom she must take, because he was elected here. If the principle maintained by the chancellor of the exchequer, namely, that any man had as good a right to the regency as the Prince of Wales, should be adopted by the Irish parliament, then might the lord mayor of Dublin, instead of the prince, be chosen regent; or perhaps many regents might be elected, and the royal prerogatives parcelled out among them; to one might be given the army, to another the church, to a third the civil list, and thus Ireland might be divided from herself; — but what would most infallibly happen, would be, that she would be separated from England. For what was it that kept two countries together, which were governed by two distinct and independent legislatures? It was unquestionably the unity of the crown: that was the bond which kept them

together; and if that was once broken by letting loose dangerous and speculative ideas of government, Ireland would be lost for ever to this country. With what eye, then, ought the nation to look upon those, who by their abominable doctrines, exposed the empire to such a calamity. He trusted that the good sense of Ireland would make her reject these new-fangled doctrines, and vote the regency to the prince, to whom it of right belonged, and from whom it could not be withheld without danger to the happiness and connection of the two kingdoms.

Mr. Burke said, that the plan now proposed was to adopt what deserved a worse name than a phantom — they were going to create Milton's monster of Sin and Death, Death to the constitution, and Sin to the feelings of the country. They were going to steal the great seal, to commit a forgery and fraud, and to support violence. If the House wished to preserve unity in the empire, they ought to appoint a person to represent the king who was interested in the empire; they ought to trust, upon his word, the Prince of Wales, whom hereafter they must trust without; and thus, they would save their country, and none would suffer but ambitious men. Mr. Burke urged the argument of delay, and said that the convention parliament, in the year 1688, sat on the 26th of December, and on the 12th of January had completed all their objects, finishing the whole in sixteen days.

He contended that the House had no right to authorize the lord chancellor to put the great seal to forgery, fraud, and violence, and that giving them the form of the royal authority, instead of the substance, was to give them the sweepings of the cobwebs in Westminster-hall, and the smoke of the dish. The danger which had been talked of, if they were to address the Prince of Wales to take the regency upon him, reminded him of the giant who used to swallow a dozen windmills for breakfast every morning, and was afterwards choaked by a small bit of butter in the month of July. In the present instance, the commission was said to be, in form, an act of the crown, and in

substance an act of the two Houses. There never was a precedent in this country, where the two Houses took upon themselves to exercise the legislative authority of the crown. Necessity, he observed, had been generally termed the tyrant's plea; but, strange to tell, it was now considered as the guardian of our liberties! Mr. Burke insisted that the committee ought, in the present instance, to act liberally and fairly, and to trust the prince upon his word, solemnly given in his answer to the addresses of both Houses, since hereafter they must trust him without professions. A confidence of this nature would give them union, would give them liberty, would give them peace.

The resolution was agreed to without a division. On the following day, the Houses assembled as a regular parliament, and, the lord chancellor being indisposed, Earl Bathurst, president of the council, opened the causes of the present meeting, and the objects for which they were to provide. As soon as the Commons were returned to their House, and had gone through the usual forms, Mr. Pitt rose, and after a short preface moved, "that leave be given to bring in a bill to provide for the care of his majesty's royal person, and for the administration of the regal authority during his majesty's illness." Leave was accordingly given; and, on the 5th, the bill was brought in and read for the first time without debate.

February 6.

Mr. Pitt having moved the order of the day for the second reading of the Regency bill,

Mr. BURKE expressed his extreme surprise that the bill should be proposed to be read a second time, without the House having heard a syllable as to what were the principles of the bill, and what its clauses and provisions. He had often known the principles upon which

a bill had been ordered to be brought in, either totally lost sight of in the bill itself, or so violently strained and departed from in the various clauses, that scarcely a single principle upon which the House had resolved to legislate, was to be found in the bill, or to be found entire. It behoved the House, therefore, at all times, to watch great and important bills narrowly, and to see that they were not deceived and deluded; and that while they meant and had resolved to pass a bill for one purpose, they were not induced to pass a bill, containing provisions to answer a very different purpose. There might possibly exist some doubts as to the constitutional and legal competency of the character in which they were then proceeding to act, as a branch of a perfect legislature. In argument and in debate, he and others had much questioned the validity of the commission, under the authority of which parliament had been opened; but, admitting for the present, that there had been exercised a competent power to make the Houses a parliament, and enable them to do the act upon which they were proceeding, they ought to see what the bill was before they went on with it; and, therefore, though he meant not to debate the subject at large, he should take the liberty of calling the attention of the House, before they read the bill a second time, to the extent of its provisions, and the extraordinary manner in which the resolutions that the two Houses had come to, were now attempted to be made use of, and carried into effect.

Never surely was there a time when that House were so loudly called on to see what they were doing, and to examine, with every possible degree of prudence and foresight, the serious and important consequences to which what they were doing might lead. His majesty's incapacity to exercise the royal authority, had been established to the conviction of the two Houses, in a manner which left all possibility of doubt out of the question. Indeed, if the examinations of his majesty's physicians had not taken place, the fact would be too clear to have admitted a dispute, from a great variety of consequences necessary to be detailed,

because they were consequences, which they not only all saw, but felt. The duration of his majesty's malady, the turns which it might take, the disguises which it might assume, lay hidden in the secret recesses of the dispositions of providence. His majesty was insane, but his malady was not like that of some other persons who were under confinement in houses destined for such purposes, intermittent, various, subject to degrees, lucid intervals, and occasional visitations of reason, but his faculties were totally eclipsed; not a partial eclipse, wanting some digits of completion, but a total and entire eclipse. They were, therefore, to supply the defect in the exercise of the royal authority. The present bill was indefinite in its duration, because that bold promiser, Dr. Willis himself, could not fix a probable time for the chance of his majesty's being capable of recovering sufficiently well to be fit and able to resume the exercise of his royal functions; and as Dr. Willis, in the sanguine temper, ungoverned zeal, and impetuous rashness of his mind, could not take upon him to decide what would prove the duration of his majesty's illness, it was not likely that physicians of more moderate minds, of cooler judgments, and of more sober reason, should take upon them to decide the duration of the malady, which had struck at the sovereignty of the empire, and wounded all that was sovereign, either in the political or natural capacity of the king upon the throne.

No period like a moderate time, therefore, had been mentioned, for the duration of his majesty's illness; the malady of the monarch, consequently, was fixed to no known definite time, and at that moment a bill was brought in, totally to separate and parcel out the royal authority, so as to leave only the chance of a government, necessarily so impotent, as to be scarce able to stand at all. All limited power was, from its nature, feeble; and the circumstance of its being only temporary and uncertain, rendered it still more deficient in vigour and in efficacy. The first object of the bill was to nominate a person to hold this weak and almost useless government. The next purpose which

degrade the Prince of Wales, but the whole House of Brunswick, who were to be outlawed, excommunicated, and attainted, as having forfeited all claim to the confidence of the country ! Gentlemen might smile as they pleased at this doctrine, but the conduct of the other side of the House was reprehensible, degrading the royal family, sowing the seeds of future distractions and disunion in that family, and verging to treasons, for which the justice of their country would, he trusted, one day overtake them, and bring them to trial.

Mr. Burke was interrupted by a general cry from the other side of the House, of " Order ! order !" Mr. Pitt observed, that notwithstanding the right honourable gentleman chose to indulge himself with a direct attack upon him, in the style of invective in which he was accustomed to deliver himself in that House, he seldom thought it worth his while to call him to order, or indeed to make him any answer, because his speeches, from their extraordinary style, and the peculiarly violent tone of warmth and of passion with which they were generally delivered, seldom failed to give that impression, which those to whom they were directed wished them to give ; but, when the acts of the House were called in question, and a bill avowedly founded on principles which the House had sanctioned by voting them, after much discussion and debate, in the form of distinct resolutions, was represented as amounting to the outlawry, excommunication, and attainder of the whole House of Brunswick ; and the House was told distinctly and unequivocally, that they were proceeding to act treasons, for which at a future day it would be overtaken by the justice of their country, and brought to trial, he did hope that the House would interpose its authority.

Mr. BURKE again rising, observed, that whenever he used any words that were disorderly, he presumed those who thought proper to call him to order, would state what the disorderly words were, as well to convince the House that he had been disorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of passion, which the right honourable gentleman had imputed to him, he confessed that he had expressed

himself with warmth, originating from a deep consideration of the great importance of the subject, and not from any censurable irritability of temper. So far from it, it would have been censurable in him, or in any man possessed of common feeling, to have refrained from that indication of warmth which he had betrayed, when speaking of a bill from the provisions of which the whole House of Brunswick were expressly excluded. When he saw that, under the pretence of providing a government, there was a provision made for tumult, disorder, and debility in that government, he felt as a man, conscious of the fatal effects of such a measure, must feel; and spoke warmly, and even passionately, upon the subject; but that warmth and that passion arose from a due sense of the dreadful tendency of such a provision. And when ought he to speak of it, but when they were in the act of completing that very game of ambition, of which he had complained? In considering the manner in which that game of ambition was proposed to be played, and the measures that were resorted to in order to render it successful, was he not to look to the views, intentions, and designs of those whose object it was to win the game? If, by the sort of speeches he usually made, the style of his argument, and the warmth of his delivery, he served the right honourable gentleman, the right honourable gentleman ought to be much obliged to him. Sure he was, that he did not mean to further the right honourable gentleman's objects, and certain he likewise was, that the purposes of ambitious men were best served, by concealing all inquiry into their motives and intentions, and resorting to general encomiums on their conduct. In examining a bill that tended to cause a total revolution of the splendor of the crown, to separate it from the executive government, and to give it to other and unknown persons, he had a right to look to the private views of those who brought in such a bill. If he found that such bill, under pretence of a compliment to the king, was calculated to degrade the royal family, and to serve the purposes of ambitious men, he had an undoubted right to

examine into, and question the purity of the designs and intentions of its authors. Upon what principle, therefore, of propriety or reason or common sense, had gentlemen deemed an argument, founded in such a purpose as he had explained, a fit subject for laughter? Such laughter was worse than madness itself, and more horrible than the senseless ravings of the unfortunate wretches who were chained to their cells. Mr. Burke declared, that he had not rashly suffered his reasoning on such a subject to hurry him into warmth; and contended, that nothing he had said was deserving of laughter or of ridicule. When the House had formed themselves into a committee, he should, he hoped, shew that he was able to speak with temper, and prove, to the conviction of prejudice itself, that the arguments he had, before he was interrupted, only loosely and generally thrown out, were founded in truth and seriousness, and well worthy the solemn attention of every man in the country. At present, he would only shew the effects of the bill collaterally.

Mr. Burke then proceeded to touch on some of the provisions in the bill, which were, he remarked, so far new to the House, that they had neither been expressed in any of the resolutions, nor opened or stated in debate. One of the first points of this sort that he alluded to, was the privy purse of his majesty, which, from 36,000*l.* a year, had been increased, first to 48,000*l.*, and had at length swelled up to 60,000*l.* a year. That, of which they had hitherto heard nothing, was by the bill to be withheld from the Prince of Wales, who was to have no privy purse; so that by the bill they would separate from him the table, the honour, and the hospitality belonging to royalty, and were going, for what they knew to the contrary, to create a fund for bribing members of parliament, by entrusting the queen with the care and application of such an enormous sum of money. They gave such a large sum, not for what the king would have done were he well and in health, but for her majesty's guessing what the king would have wished to have done, were he well; while the

Prince of Wales, as regent, was neither suffered to act liberally for himself, nor to think what his royal father would have had transacted. They had heard of the queen's girdle, the queen's shoes, the queen's mantle, and other parts of her personal attire, as heads of expence under the civil list; but they had never before heard of the queen's having an enormous sum allowed her, for guessing what the king would have done, had he not been insane. The queen might be regarded as the king's trustee for accumulation, or his trustee for distributing money to no person knew who. The sum might be given away in pensions to support the faction, and in bribes to the members of that House. The privy purse in his majesty's hands had been responsibly placed; according to the bill, it was to be entrusted where there was no responsibility whatever.

Mr. Burke next adverted to that part of the bill which comprehended the provisions for the care of the king's person, from which the Prince of Wales, he observed, was expressly excluded. Perhaps, he said, that exclusion was proper, but why were the Duke of York, the Dukes of Cumberland, of Gloucester, and the rest of the royal family, excluded? Was he to be laughed at, for saying that such a general exclusion upon the face of it appeared as if the whole House of Brunswick were outlawed, excommunicated, and attainted of high treason? Had the rest of the family no interest in the preservation of the king's person? Had they expressed that they had no wish for his recovery? His majesty's person, and his majesty's money — what security was there for either? The language of the bill clearly was, "Oh! keep the prince from both, and let them lie at the mercy and the will of the kites and the crows of the air." There seemed to be no other disqualification for coming near the royal person, and having any share in the care and guardianship of the personal property of the king, but the having sprung from his royal loins. How did they know but so large a sum as the amount of the king's privy purse, which his majesty, had he been sane, might have consented to reduce to its former amount, in alleviation of his overburthened civil list, was intended

to be given to jobbers and monied men, to bribe them to adhere to the faction set up in opposition to the executive government? Was he then to be laughed at, for saying, that by the bill the House of Brunswick were excluded, proscribed, and attainted?

The next part of the bill which struck him as most extraordinary, and highly objectionable, was that clause which gave the queen's council the power to pronounce his majesty recovered, and restore him to his government. An exclamation of Hear! hear! coming from the other side of the House, Mr. Burke said, gentlemen acted wisely in endeavouring to prevent what would follow from being heard, but he would repeat the expression. The powers given to the queen's council to pronounce his majesty recovered, and restore him to the exercise of his royal authority, were most extraordinary. The clause did not even specify of what number of the queen's council those gifted with so extraordinary a power were to consist. That was to be provided for by the filling up of a blank. Parliament had been deemed competent to dethrone a sovereign; but, when they came to the return of a king to the exercise of his royal functions, the whole power was given to a council, to consist of no person knew who. Mr. Burke declared, he would for the present touch but on some few of the heads of this monster, and that as shortly as possible. They had declared the king incapable of exercising his royal authority, after a full and solemn examination of his majesty's physicians; but, whether he was to be deemed capable of resuming the exercise of the royal authority or not, was not to depend on any examination had by them. Before his majesty had been declared incapable by parliament, and before they had acted on that declaration of incapacity, his majesty's physicians had undergone four separate, solemn, and scrupulous examinations: one before the privy council, two before that House, and one upon oath before the other House. Thus parliament had exercised all its own powers of investigation, and superadded those of another of great authority. Why was there not to be at least as scrupulous an examination of his

majesty's health, when a motion of so much importance as his resuming his authority was to be decided? Out of personal delicacy and respect, the House had proceeded carefully to examine into and ascertain the fact of his majesty's incapacity, before they grounded any proceeding upon it; and was it less important, less necessary, when the question was, whether the country was to be governed by a person in his senses or not, that the fact should be at least as correctly ascertained with respect to his majesty's recovery? As the bill stood, until her majesty should think fit to assert that the king was well, the people were not to know it. If the council were ministerial, and if his majesty were well enough to sit in a chair at the head of that council, the bill provided, that he should be declared capable. This was putting the whole power of changing the government into the hands of Dr. Willis and his keepers. A person who had been insane, might, he contended, be so subdued by coercion and severity, as to be capable of being prevailed on to act the farce appointed him, of appearing for a short period to have recovered his intellects. He maintained the difficulty of getting a man to swear, that a person who had lost his understanding, was restored and in his senses, compared with the ease of procuring a man, from the conduct and conversation of another, to swear that he was out of his senses. He urged the utter impossibility of bringing it to proof, whether a person who had been insane, was perfectly recovered or not. What was likely to be the natural conduct of a person so happily restored? Undoubtedly, his first object would be to revive those domestic feelings, dearest to the human heart. Were the king to recover, and had he it in his power, would he not, on the restoration of his intellects, first call his dearest son the Prince of Wales into his presence? Would he not next ask for his next son the Duke of York, and the rest of the royal progeny? Did the bill provide for this? No. The whole was to be done in a blind manner, in the dark, and in a way most liable to suspicion. The

whole was a scheme, under the pretence of pronouncing his majesty recovered, to bring back an insane king. Those who conceived, that the proof of a man having recovered his understanding was to depend on affidavits and entries, forgot that a sane king naturally courted public inspection, and was desirous of being examined and that his recovery should be established to the conviction of his subjects.

Mr. Burke reiterated his objections to the bill, and laid great stress on the circumstance of the House of Brunswick being excluded from any share of the guardianship of the king's person. He declared he did not suspect the queen of being capable of acting improperly, but, as a public man, it was his duty to suspect situations and temptations, that might pervert the purest mind, and draw it aside from the straight path of rectitude, and thus render her majesty the tool of ambitious men. He reprobated the bill on account of its malevolent aspect, in excluding the House of Brunswick, and for its malicious attempt to guard against evils from a quarter whence none were expected to come, and laying a quarter open whence they were most to be dreaded. The House, he said, had proceeded step after step, and been led on to do that, which, if proposed altogether, would, he was persuaded, have been rejected by every man of honour. Like Macbeth, who, after having murdered Duncan and Banquo, exclaimed,

—— I am in blood

Stept in so far, that, should I wade no more,

Returning were as tedious as go o'er ——

they found themselves inclined to proceed, from not daring to trace back their steps. Mr. Burke added, that he had thought it necessary to throw out this preliminary series of loose remarks, not doubting but if they were coolly and seriously attended to, they would call forth those of men of greater abilities than himself, and that like the man who first raised a spark, he should see that spark kindle into a flame hereafter.

The bill was read a second time without a division.

February 7.

THE House went into a committee on the regency bill. When the clause was read, by which it is enjoined, that the regent shall bind himself by oath, to take care of the personal safety of the king to the utmost of his power and ability, and to govern according to the stipulations and restrictions recited in the bill,

Mr. BURKE said, that when he compared this clause with another in the same bill, he felt a persuasion that the framers of it intended it not only as a mockery of the Prince of Wales, but as an insult to common sense; for he found that the prince, who was not to be entrusted with the custody of the royal person, was to swear that he would protect it; whilst those who were in fact to have the care of his majesty, were not to be called upon to give any pledge whatever for the faithful discharge of the trust committed to them. He admitted that it was unlikely the person of the king should be in any danger from the queen; but it was just as unlikely that there should be any cause for apprehension of danger to him from his son; and therefore both or neither should be bound to give the security of an oath for the protection of the royal person. As the bill then stood, common sense must revolt at it; for the person who was actually to have the care of his majesty, was left free from all engagements relative to the safety of the king; and the regent, who was to have no power over his majesty's person, was to swear that he would take care of him! Nay, the very persons who were to be appointed counsellors to the queen, were not to enter into any engagement of this nature; for the oath which they were to take, was totally silent on this head, as appeared from the form of it, which he read as follows: "I A. B. do solemnly promise and swear, that I will truly and faithfully counsel and advise the queen's most excellent majesty, according to the best of my judgement, in all matters touching the care of his majesty's royal person, and the disposing, ordering, and managing all things relating thereto. So help me God."

In this oath, Mr. Burke observed, there was not one word about the personal safety of the monarch; and though these counsellors were to be appointed to advise her majesty touching the care of the king, they were not bound by the oath to consult the safety of his person in the advice that they should give. Thus was the Prince of Wales to be compelled to enter into engagements, in themselves nugatory and absurd, because the person, whom by these engagements he was bound to protect, was taken out of his power; and the queen and her counsellors, who could alone protect that royal person, because they alone were to have the custody and care of him, were left free from those very engagements which were to be forced upon the prince. Thus was an oath imposed where it could be of no use, and omitted where alone it was necessary. Sense and decency would therefore require, either that the prince should not be bound to take this oath, or that it should be taken also by the queen and her counsellors.

He said that the objection which he had been hitherto stating to the committee, was not the only one that occurred to him. He thought that the oath ought not to stand at the head of the bill, because the things to which a person was called upon to swear, ought to precede the oath, that he might know to what he was going to swear, otherwise the prince might be put into as awkward a predicament as the persons who were bound to swear to an &c. &c. Besides, there was something very new in the form of this oath, which was to be taken by the prince: he was to swear (exclusively of any thing that related to the safety of the king's person) that he would maintain all the provisions of the bill then before the committee. What was the reason for confining the oath to that particular bill? Why did it differ from the coronation oath, which had a general view? By that the prince was bound to govern according to the laws of the land. When the bill, actually under discussion, should have passed into an act, then it would become one of the laws of the land, and would of course be included in that general oath. But something

insidious was meant by this proceeding, or it would not have been marked by such a departure from the established rules and customs.

The clause was agreed to. To the clause in the bill, which restrained the regent from creating peers, Mr. Jolliffe moved an amendment, by limiting the duration of this restraint to the 1st of February, 1790. The amendment was supported by Lord North. Mr. Pitt remarked, that he disapproved of the amendment, on the same ground which induced him to oppose it when the resolution had been under discussion in the committee on the state of the nation. The noble lord had just urged the same reasons against it, which he had then answered, and therefore he should not repeat his arguments over again.

Mr. BURKE said, he should not scruple to declare that he had always doubted the intentions of the proposer of the resolutions, when he induced the House to pass them. He had stated his fears at the time, that it was intended by prevailing on the two Houses of parliament previously to pledge themselves, to force them to abandon their deliberative capacity hereafter; and those fears were now fully verified. The right honourable gentleman had declared, that unless any thing new was stated, he would say no more upon the subject. One right honourable gentleman had lamented the absence of his right honourable friend, Mr. Fox, a thousand times. Mr. Burke said, he comparatively had reason to lament it ten thousand times. If the right honourable gentleman had lamented the absence of a general, the ablest that ever conducted an opposition army, what ought not his lamentation to be! The right honourable gentleman had a high sense of the phalanx that he fought with. If he ran, he knew he ran with kings. He therefore thought nothing of conquering their irregular army, without their general to lead them. The right honourable gentleman reminded him of Montecuculli, who, on the death of Marshal Turenne, broke his staff, and said he would fight no more, because he had no enemy left that was worthy to cope with. Mr. Burke adverted to the

period of history to which he alluded, and stated facts apposite to his argument, declaring that he wished the right honourable gentleman a happy retirement, conscious as he was that he was opposing an adversary that could ruin him, and who chose that day to conquer, as all good generals would wish to do, without risking a battle. Mr. Burke said, that whether he could produce any thing new or not, he should certainly acquit his conscience, and endeavour to do his duty.

He desired, in the first place, to be shewn when, in any regency bill prior to the present, there had been a limitation of peers? He contended, that the present limitation must be proposed, on a suspicion that the prince would abuse his trust; or that his royal highness's friends were such men as were suspicious; or, from the affected motive that the king would be hurt, if, upon his recovery, he found a change of tables, chairs, and stools about his person; for it was not less absurd to suppose one thing than the other. Mr. Burke, in order to exemplify his argument that the king had, at various times, suffered different men, and at different periods, to increase the peerage, went through a list of the various administrations of late years. He first mentioned the Marquis of Rockingham, whose power, he observed, had been as large as his heart, and yet, that noble marquis, in whose footsteps the present Whigs professed to tread, was extremely sparing of grants of peerages. Why then should it be supposed that they would deviate from an example which they took for their model, when they wished to recommend themselves to the good opinion of the public?

In this part of his speech, Mr. Burke suffered his natural warmth to hurry him into a violent invective against the supporters of the bill. He imputed their insisting on such a restriction as the one under consideration, to the blackness of their hearts, and the rooted degree of their malignity. With regard to the probable prodigal making of peers, Mr. Burke said it was a slander. The motives could not be formed from the prince, because those who

ascribed them, did not know him; it could not be from the men, because their power had before been exerted without abuse. The Duke of Portland, for instance, had often served his majesty; first as lord chamberlain, which place he filled with high honour; then as lord lieutenant of Ireland; and lastly, as first lord of the treasury; and in each capacity, the noble duke had acted to the satisfaction of his sovereign. Would it be contended, that his majesty could be pleased only by one person? Let it be remembered, how many and how different the sort of men were, which he had at different times favoured. The Earl of Shelburne, who was at one time generally supposed to be disliked by the king, was at a particular period in favour. The right honourable gentleman also, who was once the last person likely to be in favour at court, had since been in favour, and had well repaid that favour! Why, then, was it to be supposed, that persons who had been once in his majesty's favour, might not be so again? There never had been so many peers made, Mr. Burke observed, as during the present administration. He adverted to Mr. Rolle's declaration on a former occasion, that there had been persons created peers during the present minister's power, who were not fit to be his grooms, and made a variety of pertinent and pointed animadversions upon it; and yet, he remarked, that at the same time that the right honourable gentleman had made the largest use of this exercise of the royal prerogative, he would not permit a temporary exercise of it by the ministers of the regent. If, therefore, the committee put no period to the restriction, Mr. Burke said, it was directly against the principles of the constitution; and he asked, if no great men in this kingdom existed worthy of being distinguished, except those whom the right honourable gentleman had distinguished? He contended, that this was an affront to the noble young men of the kingdom, and he put several cases hypothetically of young men of noble families fit to be made peers. He took notice of the declaration of the lord chancellor in the house of peers, that the prince might indemnify himself by pro-

mises, which he considered as an affront to the law, the landed interest, and the noblesse of the House of Commons. Mr. Burke went over Lord North's ground of argument, that the restriction in question would tend to support the House of Lords in a combination against the crown, and to encourage a faction in that House: — points which he urged with additional force of argument. In the course of his speech, Mr. Burke more than once, by the vehemence of his manner, caused an expression of laughter from the other side of the House. On one of these occasions he remarked, that gentlemen might laugh poor honesty out of countenance, but they would better prove their claim to respect, by answering his arguments.

The amendment was negatived without a division.

February 9.

THE House being again in a committee on the regency bill, the seventeenth clause was next read, vesting in her majesty the care of the king's person, and the government of the household. Lord North and others condemned the clause, on the ground of her majesty's having any share in the executive government. They reprobated the measure of dividing that power as unconstitutional and dangerous, and expressed their fears of its operating as a pernicious precedent. — Mr. Pitt said, that the ground of objection to the clause was stated to be that of parliamentary influence; a ground which he would venture to say it was wholly unusual to take broadly and openly in that House; because, whatever might have been gentlemen's private opinions respecting that particular kind of influence, it never had been avowed to be necessary to government, till the Lords had thought proper to avow it that day. When it was said, that it was necessary to keep up the state and splendour of the regent, by decorating him with those external marks of the royal dignity, ought not the king's dignity to be kept up by such marks? Ought they, in the earliest moments of his majesty's illness, to be eager to strip him of every mark of dignity, in order to deck out the regent with unnecessary

powers? He contended, that they ought not; and that it was their duty to manifest that they had not forgotten the respect and reverence due to a sovereign, who had, throughout his reign, proved himself the father of his people.

Mr. BURKE said, that he must offer a few words on the astonishing assertions of the right honourable gentleman. To justify that panegyric on the sovereign which the right honourable gentleman had pronounced, he was called upon to bring him forth as a pageant, dressed up with useless splendour, to serve the purposes of ambitious men. The right honourable gentleman had asked, would they strip the king of every mark of royalty, and transfer all the dignities of the crown to another person? No, Heaven forbid, when the person wearing the crown could lend a grace to those dignities, and derive a lustre from the splendour of his household! But, did they recollect that they were talking of a sick king, of a monarch smitten by the hand of Omnipotence, and that the Almighty had hurled him from his throne, and plunged him into a condition which drew down upon him the pity of the meanest peasant in his kingdom — [Mr. Burke was called to order by the treasury-side of the House. The Marquis of Graham said, that neither the right honourable gentleman, nor any other man in that House, should dare to say the king was hurled from his throne. There being a general cry of "Take down his words,"] Mr. Burke rose again, and as soon as he had obtained a hearing, said, he would give gentlemen a full opportunity of taking down his words. He declared that he had been interrupted in the midst of a sentence, and that Scripture itself, so maimed and mangled, might be rendered blasphemy. But when it was said in their churches, that the king was afflicted for their sins, might it not be said, that he was struck by the hand of God? At a time when they were putting up their prayers in their temples to heaven to restore the king, prostrating themselves before the Deity, and declaring that it was in punishment of their iniquities that the sovereign was taken

ill, (which he thought had better not have been said) might he not have liberty to declare that Omnipotence had smitten his majesty? His illness was caused by no act of theirs; but ought they, at that hour of sickness and calamity, to clothe his bed with purple? Ought they to make a mockery of him, to put a crown of thorns on his head, a reed in his hand, and dressing him in a raiment of purple, to cry, "Hail, king of the Britons!"

Mr. Burke censured the idea of giving the powers of the crown to one person, and its patronage to another; because, at a moment like the present, every precaution should be taken to preserve the safety of the constitution, and the lustre of the royal dignity unimpaired: but, was that the way to effect it? As the right honourable gentleman had planned the business, the government would be weak, enervated, and altogether destitute of dignity; there would be no mark of royalty about the regent for ambassadors to observe, and thence the country would stand degraded and sunk in the eyes of all Europe; and, however we might pass it over, and put up with the inconvenience among ourselves at home, the impression given of our government abroad was highly material. How would the king, on his recovery, be pleased at seeing the patronage of the household taken from the Prince of Wales, his representative, and given to the queen? He must be shocked at the idea, unless they supposed, what it was monstrous to suppose, that the king was a good husband and a bad father. An honourable gentleman had said, that they were not going to make a king. He was afraid they were. It was meant that the person who should represent his majesty, should not have the attendance which ought to accompany royalty. When had such a project been ever before practised as a separation of the royal dignity from the regal office? He put the case of a minor king, of seventeen years, and said, in that case, would not a regent be provided and invested with all the royal dignity of a king? He referred to the regency bills in the reign of George the Second, and the regency bill passed in the present reign, and contended,

that in both the full powers were given. He maintained also, that the royal family were noticed in each, whereas they were totally excluded from the present bill, and power of an enormous magnitude was taken out of the hands of the king's eldest son, and put into the hands of a person not of his majesty's blood. The regent was tied up from making peers; he was debarred from granting pensions and offices; he was restrained from exercising charities, bestowing bounties, or doing any one grateful office which served as a balance against the dreadful attributes of sovereignty. Where was he to get money to distribute bounties? Was he to take it out of his own privy purse, or the receipts of the little paltry duchy of Lancaster? To the queen the House proposed to be prodigal; to the heir apparent they had not given the least dignity in the world. What were they then doing? They were about to give a mock crown, a tinsel robe, and a sceptre from the theatre, lackered over, and unreal; and, at the same time, they rendered it necessary to tax the people, so that the prince's name should never be mentioned without some recollection which must excite unpopularity. The right honourable gentleman was to have 300,000*l.* influence when he went out. The right honourable gentleman thought the prince might do without influence, although he knew that he could not do without it himself. In former times, the way to popularity was by standing up in defence of the liberties of the people, but the right honourable gentleman was born for the age in which he lived; he took another road; his first object was, by some means or other, to get court favour, and having obtained indirectly a degree of power, he thought to gain popularity afterwards, if he could. The right honourable gentleman had contrived the bill to fortify himself when out of office. The separation of power from royalty must destroy the representation of this country, or the queen's government must destroy the regent's. His majesty might continue ill for twenty years, and then, what a state of anarchy, disunion, and difficulty, the divided government they were setting up, would create! By depriving the regent of the

power of making peers, they had shut the door of the House of Lords against the people. They had put it out of their own power ever to correct their error, and had made the House of Lords the great, independent, and omnipotent branch of the legislature.

The clause was agreed to.

February 10.

THE House went again into a committee on the regency bill. The clause relative to the queen's council being read, Mr. Pitt proposed, that it should consist of the four principal officers of the household, the lord chamberlain, the lord steward, the master of the horse, and the groom of the stole, for the time being, and in addition to these, of four other persons ; in selecting of whom, he was naturally led to make choice of those whom his majesty himself had placed at the head of the church and the law ; and therefore he should propose the names of John Lord Archbishop of Canterbury, Edward Lord Thurlow, William Lord Archbishop of York, Lloyd Lord Kenyon. He meant that these four should be appointed counsellors by name, and not as officers filling, for the time being, the stations which they now held : but the four officers of the household he proposed not by their own names, but the names of their offices. Mr. Powys wished to know in what manner, and to what extent responsibility attached to the council. Mr. Pitt answered, that no trust could be created in any means affecting the public interest, without public responsibility. According to every principle of the constitution, every trust appointed under government had responsibility attached to it when called upon by the country. Whatever advice the council should give to her majesty, they would become responsible for such advice. Mr. Bouverie wished to know, whether the queen could not act contrary to the opinion of her council, and if so, he conceived there could be no responsibility.

Mr. BURKE said, that certainly in the character of a subject, and still more particularly as upon the present occasion she became invested with an important trust, the queen was responsible. He agreed that no trust could be

given without responsibility; in the present instance, however, the principle was recognized and violated; for, though a responsibility was avowed, there were no traces by which that responsibility was to be found. In the clauses appointing the prince to the office of regent, the greatest was by oath; but in the queen's trust there was no oath, nor any trace of a trust; and though meant to stand apparently and avowedly as a trust, it was not guarded as if it were really so. This therefore was like what Macbeth said of the witches,

“ They keep the word of promise to the ear,
And break it to the hope.”

It had been urged, that the reason for not proposing the princes of the blood was out of respect to them; a respect which was a perpetual disqualification, like the respect of the Epicureans for their gods. That respect was to put the princes of the blood out of the commonwealth, because they were the first persons in it. In the regency bill of George the Second was to be found the Duke of Cumberland, and yet, had the modern doctrine then prevailed, instead of suffering the duke to go and obtain a glorious victory over the rebels, the language would have been, “ Do not let him go, because he may be tried by a court martial for absence from duty, or some other criminal neglect.” Mr. Burke mentioned other instances of princes of the blood having been entrusted with situations of the greatest responsibility, and of the present princes holding offices of trust and responsibility; and ridiculed the idea of any disrespect being offered in putting them into such situations; on the contrary, he considered it as an additional insult to the royal family, and as a gross disrespect to the king, that it was attempted to prevent the princes of the blood from being of the queen's council. He contended, that the bill was not calculated to shew respect to his majesty, but to manifest an interested regard for the household in its authors, and a determined effort for the support

of a faction. The framers of it had first proceeded to a violation of precedents, next to a violation of law, then to a violation of the constitution, and now they had arrived at a climax of violence; a violation of the law of nature. He deprecated the clause, as calculated to break the bonds of domestic union, to raise the servants above their masters, who were shut out and excommunicated, and to sow dissensions in the bosom of the royal family.

As soon as Mr. Pitt had moved the eight names regularly, and the committee had decided that those eight names should be the members of the council, Lord North moved, "That His Royal Highness the Duke of York and Albany be a member of the said council." After the motion had been supported by Lord Beauchamp and Lord Maitland, and opposed by Mr. Addington,

Mr. BURKE observed, that the committee had now got two principles laid down, and those as opposite to each other as light to darkness. The honourable gentleman who spoke last but one (Mr. Addington) had said, that the Duke of York ought not to be of the council, lest his too great zeal and filial affection should prompt him to pronounce the king well, previously to the re-establishment of his health; and the right honourable the chancellor of the exchequer had said, the presumption was, that from the princes of the blood being interested, his majesty might not be restored to his government at the time of his recovery. Mr. Burke reasoned upon these contrasted disqualifications, and denied that they could both be founded. He said that gentlemen were fond of resorting to the dark and barbarous time of Henry the Sixth; a period before our constitution was formed. He would refer them to more modern times, to the regency bill of the fifth of the present king; a bill brought into parliament at the instance of the king himself. In that bill, the king was enabled to nominate a regent, but disabled from naming any but his successor. Mr. Burke laid great stress on the wording of

that statute, and asked whether it was right to exclude all the sons of a father from having any share in the custody of his person? He was himself a father, and the noble lord was likewise a father. He appealed to the noble lord, and to all fathers, how they would feel, on recovering from a dangerous and severe malady, if they found that their sons had been debarred all share of the custody of their persons. For his part, he should regard that man as a murderer, who had so excluded his son. He exclaimed against the times; they were, he said, ignorant times, not barbarous, because he really thought there was enough of urbanity and softness of manners; but ignorant, because mankind in general now drew all their information from newspapers and magazines. The learning of this day was bad learning, which was the worst sort of ignorance. The right honourable gentleman had said, "Let us have members of the church, and guardians of the laws, of the council, and officers of the household." He knew not one of the persons in office, but he knew that the queen might change the household the next day, and then new persons would be her advisers.

The question was put, and the committee divided: Yeas 128: Noes 176.

February 11.

THE House again resolved itself into a committee on the regency bill. The twenty-sixth clause, providing for the resumption of the government by his majesty, being read, Mr. Pitt premised, that though the right of resumption did not depend on the votes of either House of parliament, yet, as a king of this country was not capable of doing any act of state by himself, but was obliged to make use of the medium of persons who should be responsible to the laws for such an act; so, in the present case, the bare consciousness of his majesty, that his incapacity was removed, ought not to be admitted, as a proof of such a fact; but he should employ some organ, known to

The clause was agreed to. On the following day the bill was read a third time, passed, and carried to the House of Lords, where it was read a first and second time without opposition. On the 19th, the lord chancellor, as soon as the peers assembled in order to go into a committee on the bill, informed them, that the improvement of the king's health, already stated in the official reports of the physicians, was still progressive, an intelligence which certainly must prove pleasing to every man in the kingdom; in this situation of things he conceived they could not possibly proceed upon the bill before them, and therefore moved, that their lordships should immediately adjourn to the 24th. On the day appointed, the chancellor informed the House, that he had that morning attended his majesty by his express command, and had found him perfectly recovered: he therefore moved a farther adjournment, which being again repeated, his lordship on the 5th of March informed the peers, that his majesty would signify his farther pleasure to both Houses on Tuesday the 10th of March. Thus ended the necessity and project of a regency.

MR. HASTINGS'S PETITION, COMPLAINING OF WORDS
SPOKEN BY MR. BURKE IN WESTMINSTER-HALL.

April 27.

THIS day Major Scott presented a petition from Mr. Hastings to the House of Commons, in which he stated, that Mr. Burke, in supporting the charges exhibited against him at the bar of the House of Lords, had accused him of sundry heinous crimes not laid in the articles of impeachment. He instanced the charge of having been concerned in a plot for assassinating the Shahzada, and in another plot for putting to death the son of Jaffier Ally Cawn; of being accessory to certain horrible cruelties alleged to have been committed by one Debi Sing; and lastly, of having been guilty of the murder of Nundcomar. He therefore prayed the House either to bring forward and prosecute those charges in specific articles,

power. It would not, Mr. Burke said, be amiss, if, before they enjoyed the triumph, they shewed their wisdom by endeavouring to preserve the empire. Parliament was not to be resorted to in the event of his majesty's resumption of his power; and he desired to know whether they had asserted the competency of parliament on purpose to degrade and vilify it? The right honourable gentleman thought, that to depose his majesty's government, it was necessary to make an examination of physicians before that House; but to give it to him, it was not necessary for that House to have any examination. The right honourable gentleman asked, what had they to say of the characters of the officers of the household? He had nothing to say of them, but that when they had accepted the trust, they were not fit to hold it. He might adore the Duke of Montague, he might worship the Earl of Salisbury: he knew them, but he would not say that others, as great as they, would not do in their places. The House had no security at all for the due performance of that important act, which was to pass through the hands of the king's council. The right honourable gentleman had said, would you have the king a suppliant to parliament? Yes, he thought parliament the proper judge of kings, and that it was for their honour that they should be so. When he went to war with foreign powers, he wished the king to be a suppliant to parliament: when he entered into subsidiary treaties, he wished him to be a suppliant; but he did not wish him to be a suppliant to his own menial servants, those who eat his bread and received his wages. If an examination of his majesty's physicians, when his incapacity was declared, were a degradation, why did they make it a necessary proceeding? The right honourable gentleman said, if the king is well, he shall come and claim. Why then did he not? Oh no, he must have restraint, but it should be any restraint but that of parliament. Mr. Burke reasoned on the necessary steps to be taken previous to his majesty's being suffered to resume his authority; the first thing to be learnt, he said, was,

dertaking, far above his natural strength, which nothing but their support could have enabled him to sustain, and which had nearly exhausted him; and therefore his removal would restore him to a state of ease and tranquillity. The censure of the House of Commons, great and awful as it must be deemed, could not have any deep effect on his mind; if, therefore, it should be passed upon him, he must feel for the honour of the House, rather than for his own. They had appointed him to go up to the bar of the House of Lords with the articles of impeachment: he was sensible of the honour, and had ever since assiduously endeavoured faithfully to discharge the duties of the high trust reposed in him. He had now proceeded to the most important charge, perhaps, in the whole catalogue, that of bribery and corruption; and, in the middle of his speech on that charge, when the prisoner felt himself pinched, and that he was in danger of being immediately overwhelmed, with a policy peculiar to himself, he had resorted to his old arts — arts practised by him with so much success in India — and shifted his character. He declared that he gave Mr. Hastings full credit for his prudence. He admitted that it was the best step he could possibly take in his present circumstances. He seriously lamented the ridicule that must fall on the House, if such an attempt should be countenanced of making him stand his trial one day in the Commons, and upon the morrow, proceed to Westminster-hall, as a manager and accuser of Warren Hastings on his trial. He was not, he said, young and supple enough for this dancing to the right and to the left; he could not bear it; and he intreated the House to unyoke him.

He produced the Morning Herald of the last year, which contained the account of the bill made out for the publication of articles sent by Major Scott, and ridiculed the total and several of the items; observing, that the honourable major over the way, who had declared his authorship, had never been able to make him take notice of his productions, because that would have been to have

quitted the great game which he was pursuing, and to have followed vermin. Whether it was from want of taste, or want of curiosity, that he did not read the honourable major's writings, he could not tell; but the fact was, that he had not looked into them. He read an extract of the account which he held in his hand, one of the charges of which was "attacking Mr. Burke's veracity, five shillings and sixpence," and laughed at the idea of his veracity being rated no higher. The shillings total being seven shillings and sixpence, he ridiculed Major Scott's publications as a seven-and-sixpenny matter, and said it had formerly been the custom for all good authors to receive rewards for their literary labours, and he well knew that Professor Robertson and Mr. Hume had large sums for their histories, but Mr. Hastings's writers paid largely to have their writings published. It had been his practice to let them go on and to despise their noise, from the chattering of the jackoo to the roar of the lion.

Mr. Burke then took notice of the defence of Mr. Hastings, delivered in by that gentleman, and afterwards declared to have been written by commission, by Major Scott and Mr. Baker, who drew it up without Mr. Hastings's knowing any thing of it. Mr. Hastings had since disowned and forsworn it. He next proceeded to the explanation which he had promised. He admitted, that he had charged Sir Elijah Impey with the murder of Nundcomar through the instigation of Warren Hastings, and justified it, as being led to it, in stating one of the acts of bribery with the Munny Begum, which bribe passed through the hands of Nundcomar, who was murdered by the deliberate arm of the law. If the House censured a manager, they ought not to hear him a single word more, but they were bound, at the same time, to remove him, when they censured him. He compared the powers given by the Commons to the managers to proceed against Mr. Hastings with the charges without a right to use one extraneous word, to the giving Shylock the power of taking a pound of flesh, upon condition of his not spilling one drop of blood; a

task which neither Jew nor Christian could perform. He entered into an account of the proceedings before the Lords, to shew the necessity he was under, in order to make the business intelligible to them, to narrate the whole history of the country, in doing which, he said, he had to state the revolution which happened, the persons concerned therein, the mock trials and collusive acquittals, which could not fail of representing the whole of Mr. Hastings's conduct to be a tissue of crimes. Mr. Burke concluded with declaring, that he relied implicitly on the justice of the House.

The motion was agreed to without a division. The petition was then brought up; as soon as it had been read,

Mr. BURKE rose and said, that if by his conduct as manager he had drawn honour and applause upon himself, that House, by whose instructions and in whose presence he had opened the charge, in which he had urged the allegations complained of in the petition, were participators in the honour and applause; if, on the other hand, he had incurred disgrace, the House were equally participators in it; since they had heard him make the accusation, without finding the least occasion to check or censure him; and, in fact, it had never appeared to them that he had gone at all into extraneous or improper matter, till the complaint had been brought to them by the agent of Mr. Hastings, the known libeller of that House, who ought to have been expelled long since —

Here there was a loud cry of Order! order! Major Scott said, he would not suffer the right honourable gentleman to call him a libeller; though the agent of Mr. Hastings, he sat in that House as independent a man as the right honourable gentleman, and therefore he did not wonder at the House feeling as one man, and calling to order, when so indecent an attack was made upon his character.

Mr. BURKE rose again, and producing the *Morning Herald*, which contained the bill of charge made to Major

Scott, for the insertion of articles on the subject, said, that he called the honourable gentleman a libeller of the House upon good grounds, since the paper in his hand contained an account of money paid for the publication of libels upon some of the most respectable members in that House, for doing their duty.

After some further conversation, the motion that the petition do lie on the table was agreed to. Major Scott then named Thursday as the day for taking the petition into consideration. —Mr. Marsham asked, whether it was right, on the very day that the managers were to act as accusers of Mr. Hastings before the House of Lords, that they should, as soon as they had finished in Westminster-hall, return to that House and be accused themselves? He remonstrated against what he considered to be the glaring impropriety of making any such order. —Mr. Pitt thought Thursday might be the day, and to obviate the honourable gentleman's objection, a message might be sent to the Lords, to desire them to put off the trial till Friday.

MR. BURKE remonstrated against his being sent to the House of Lords to inform them, that it was necessary to put off the trial of Mr. Hastings till Friday, in order that he might himself be tried first in the House of Commons, at the instance of Major Scott and Mr. Hastings. He said he wished nothing to be done that might be ludicrous in its effect, and cast an air of absurdity upon their proceedings. He stated to the House, that the very same means by which the managers meant to prove Mr. Hastings guilty of the charge, would be necessary for their own defence against the allegations of the petition: that the matter would take up much time, and be found to be exceedingly complex: that the papers necessary to be referred to, in relation to the charge respecting Deby Sing, made five volumes in folio. He said that the putting the accusers on their trial, at the instance of the party accused, was, in effect, turning the whole prosecution into contempt and ridicule. For his own part, he would

readily consent to any thing but being made ridiculous. He stated the hard treatment the managers had experienced in return for having given up their time, their comfort, their health, and, in short, every thing that was dear to them but their honour and their characters. Such treatment might be sport to Major Scott and Mr. Hastings, but it was death to him and those who acted with him.

At length it was settled, that the petition should be taken into consideration on Thursday the 30th.

April 30.

THE order of the day being read, Mr. Pitt moved, " That a petition having been presented from Warren Hastings, Esq. against a manager of the prosecution, and the name of Edmund Burke, Esq. being mentioned in the said petition, notice is given to that gentleman, now being in his place, that the House will, upon the morrow, take the matter of the said petition into consideration."

MR. BURKE rose. He said he agreed with the right honourable gentleman, with respect to the regularity of entering the subject on the journals, and also of a formal notice, but it was a ceremony with which he, for his own part, was willing to dispense. He had no objection to the House taking any part, or the whole, of his conduct upon this trial into consideration; he had every reason to confide in the honour of the House; to their decision, he would with all due deference submit. He begged leave to repeat what he had already said in the House, that if they wished to remove him from the management, he was ready and willing to retire; he should at all events wait for the determination of the House, nor should he even attend the discussion of the subject, being determined to suffer judgment to pass by default, if any judgment was to be given. He wished the House to have as little trouble

upon this occasion as possible; to avoid any difficulty of proof, and to shew he was willing to meet the charge, he would admit the words complained of, for he certainly did say, that Mr. Hastings murdered Nundcomar, by the hands of Sir Elijah Impey.

Mr. Burke entered into his reasons at length, for having made this assertion. The House, he said, would have the goodness to recollect the peculiar circumstances which attended the case of the unfortunate Nundcomar. He was possessed of certain knowledge of the bribery and corruption of Mr. Hastings, and one of the charges now exhibited against that gentleman was to be supported by circumstantial evidence, in which the fate of Nundcomar was a material feature; it was therefore very natural to allude to it in the course of opening the charges. And here, he said, he could not help observing it was pretty singular, that Mr. Hastings should, at the moment he was about to be convicted of the foulest bribery, bring forward a charge against his accuser. This was done, no doubt, with a view to divert the attention of the House and the public, from his own criminality, to a complaint against his accusers.

But this was not all the singularity which attended the case of Mr. Hastings. Indeed, the House would perhaps act inconsiderately in taking this petition into consideration, for it was a notorious fact, that Mr. Hastings came to the bar of the House of Commons, and there gravely produced, signed by his own hand, a paper, which he called his defence; it was accepted by the House; but when the managers came to substantiate some of their charges from extracts out of this defence, he then procured the honourable major not only to say, but also to swear, that this defence was not the defence of Mr. Hastings, for that many parts of it were drawn up by others, and that some parts Mr. Hastings had not even read! Mr. Burke then proceeded to observe, that the House should recollect, that if any obstacles were thrown in the way of the managers, they would tend ultimately to disgrace the

House; for if the managers were crippled, the prosecution would be defeated. He concluded by assuring the House he had the most implicit reliance on their honour, and was convinced they would protect their managers in such a manner, as to give vigour to the pursuit of justice.

Mr. Pitt's motion was then put, and carried. He next moved, "That a message be sent to the Lords, acquainting them that circumstances had happened, which rendered it inconvenient for the Commons to proceed that day in the trial of Warren Hastings, Esq. and that the Commons requested their lordships to adjourn the farther consideration of the trial to a future day." This motion being agreed to, Mr. Hobart was ordered to carry it to the Lords.

May 1.

ON the order of the day for taking the petition of Mr. Hastings into consideration, Mr. Montague rose and read, as part of his speech, the following Letter to him from Mr. Burke:

"My Dear Sir,

"With the consent, as you know, and the approbation of the committee, I am resolved to persevere in the resolution I had formed and had declared to the House, that nothing should persuade me, upon any occasion, least of all upon the present occasion, to enter into a laboured, litigious, artificial, defence of my conduct. Such a mode of defence belongs to another sort of conduct, and to causes of a different description.

"As a faithful and ingenuous servant, I owe to the House a plain and simple explanation of any part of my behaviour which shall be called in question before them. I have given this explanation, and in doing so I have done every thing which my own honour and my duty to the House could possibly require at my hands. The rest belongs to the House. They, I have no doubt, will act in a manner fit for a wise body, attentive to its reputation. I

must be supposed to know something of the duty of a prosecutor for the public; otherwise neither ought the House to have conferred that trust upon me, nor ought I to have accepted it. I have not been disapproved by the first abilities in the kingdom, appointed by the same authority, not only for my assistance, but for my direction and controul. You, who have honoured me with a partial friendship, continued without interruption for twenty-four years, would not have failed in giving me that first and most decisive proof of friendship, to enlighten my ignorance and to rectify my mistakes. You have not done either; and I must act on the inference. It is no compliment to mention what is known to the world, how well qualified you are for that office, from your deep parliamentary knowledge and your perfect acquaintance with all the eminent examples of the ancient and modern world.

“ The House having upon an opinion of my diligence and fidelity, (for they could have no other motive,) put a great trust into my hands, ought to give me an entire credit for the veracity of every fact I affirm or deny. But if they fail with regard to me, it is at least in my power to be true to myself. I will not commit myself in an unbecoming contention with the agents of a criminal, whom it is my duty to bring to justice. I am a member of a committee of secrecy, and I will not violate my trust by turning myself into a defendant, and bringing forward, in my own exculpation, the evidence which I have prepared for his conviction. I will not let him know who the witnesses for the prosecution are, nor what they have to depose against him. Though I have no sort of doubt of the constancy and integrity of those witnesses, yet because they are men, and men to whom, from my situation, I owe protection, I ought not to expose them either to temptation or to danger. I will not hold them out to be importuned, or menaced, or discredited, or run down, or possibly to be ruined in their fortunes by the power and influence of this delinquent; except where the national service supersedes all other considerations. If I must suffer, I will suffer

alone. No man shall fall a sacrifice to a feeble sensibility on my part, that at this time of day might make me impatient of those libels, which, by despising through so many years, I have at length obtained the honour of being joined in commission with this committee, and of becoming an humble instrument in the hands of public justice.

“ The only favour I have to supplicate from the House is, that their goodness would spare to the weakest of their members an unnecessary labour; by letting me know as speedily as possible, whether they wish to discharge me from my present office; if they do not, I solemnly promise them, that, with God’s assistance, I will, as a member of their committee, pursue their business to the end: that no momentary disfavour shall slacken my diligence in the great cause they have undertaken: that I will lay open, with the force of irresistible proof, this dark scene of bribery, speculation, and gross pecuniary corruption, which I have begun to unfold, and in the midst of which my course has been arrested.

“ This poor Indian stratagem, of turning the accuser into a defendant, has been too often and too uniformly practised by Deby Sing, Mr. Hastings, and Gunga Govind Sing, and other Banyans, black and white, to have any longer the slightest effect upon me, whom long service in Indian committees has made well acquainted with the politics of Calcutta. If the House will suffer me to go on, the moment is at hand when my defence, and, included in it, the defence of the House, will be made in the only way in which my trust permits me to make it, by proving juridically on this accusing criminal the facts and the guilt which we have charged upon him. As to the relevancy of the facts, the committee of impeachment must be the sole judge, until they are handed over to the court competent to give a final decision on their value. In that court the agent of Mr. Hastings will soon enough be called upon to give his own testimony with regard to the conduct of his principal: the agent shall not escape from the necessity of

delivering it; nor will the principal escape from the testimony of his agent.

“ I hope I have in no moment of this pursuit, (now by me continued, in one shape or other, for near eight years,) shewn the smallest symptom of collusion or prevarication. The last point in which I could wish to shew it is in this charge, concerning pecuniary corruption; — a corruption so great and so spreading, that the most unspotted characters will be justified in taking measures for guarding themselves against suspicion. Neither hope, nor fear, nor anger, nor weakness, shall move me from this trust; — nothing but an act of the House, formally taking away my commission, or totally cutting off the means of performing it. I trust we are all of us animated by the same sentiment.

“ This perseverance in us may be called obstinacy inspired by malice. Not one of us, however, has a cause of malice. What knowledge have we of Sir Elijah Impey, with whom, you know, we began; or of Mr. Hastings, whom we afterwards found in our way? Party views cannot be our motive. — Is it not notorious, that if we thought it consistent with our duty, we might have, at least, an equal share of the Indian interest, which now is almost to a man against us?

“ I am sure I reverence the House as a member of parliament and an Englishman ought to do; and shall submit to its decision with due humility. I have given this apology for abandoning a formal defence, in writing to you, though it contains in effect not much more than I have delivered in my place. But this mode is less liable to misrepresentation, and a trifle more permanent. It will remain with you either for my future acquittal or condemnation, as I shall behave. I am, with sincere affection and respect, my dear Sir, your faithful friend, and humble servant,

“ EDMUND BURKE.”

The first difficulty that occurred relative to the mode of proceeding was, whether the House should go into proof of the truth or falsehood of the particulars which were complained of

by Mr. Hastings as being false as well as irrelevant. Major Scott having offered to prove that the allegations were true, Mr. Fox said he conceived that it was proper to permit the honourable major to go fully into the truth of the allegations of the petition, and not to confine him to a naked statement of them. The petition pretended to accuse the managers of urging matters against the petitioner that were not relevant, and, at the same time, it charged them with having knowingly spoken falsehoods. It was material, therefore, to them that the truth of the facts should be made out. The honourable major had stated the petition as he conceived it to be; he, on the other hand, had stated it according to what it was. The honourable gentleman had stated it as if the petition had been what he wished it to be, and what it ought to have been, and he did this with the greater confidence, because he seemed to have the countenance and support of a member of great weight in the House. He observed, that Mr. Hastings had so managed as to convert his accusers into defenders; and, under the word irrelevant, he had brought against them the worst charge that could possibly be urged — the charge of having uttered falsehoods at the bar of the House of Lords. — The master of the rolls having given it as his opinion, that the averment of the falsehood was no more than a protestation or formal plea of not guilty, on the part of the petitioner, and that therefore, it was not necessary to go into the proof, the House acquiesced in his opinion. — Mr. Bouverie then moved, “That the House do now adjourn.” This motion was opposed by Mr. Mitford, who observed that too much attention could not possibly be paid to the allegations of the petition, if they turned out to be true; if they were not true, the petition, and the person who presented it, merited the severest censure. — Mr. Fox supported the motion of adjournment. He passed an encomium on the conduct of Mr. Burke, and said he had acted with great propriety throughout the business. He had given the House as much satisfaction as was necessary, and feeling the indignity of being called upon as a defendant, by the culprit, whom he had been directed by that House to prosecute, he had refused to do more. He admired his right honourable friend's conduct that day, in being absent, not less than his general conduct. The whole was manly, consistent, and dignified. — The question being put, that the House do now adjourn, a division took place.

Yeas 97: Noes 157. So it passed in the negative. It was next moved, "That Mr. Gurney, one of the short-hand writers of the notes taken at the trial of Warren Hastings, Esq. in Westminster-hall, be now called in;" which being negatived, Mr. Adam moved, "That a committee be appointed to inspect precedents, and to report to the House what evidence has been received, by the House, respecting any complaint of expressions or words used on the trial of any impeachment, by any members of this House employed to manage such impeachment." This motion was carried by a majority of 102 to 17.

On the 4th of May, the said committee reported, that there were no precedents of any complaint of words spoken by managers in Westminster-hall to be found. The managers again urged their objections to the examination of any short-hand writer; but the favourers of the petition, insisting upon the duty of the House to govern itself in such cases by what should appear most likely to promote the ends of substantial justice, prevailed; and, after a division of 115 to 69, Mr. Gurney, the short-hand writer, was called in, and examined. The next question was, whether all the particulars complained of by the petitioner should be inquired into, or whether the House might select what part they pleased. Mr. Pitt and others were of opinion that the House ought to pay no attention to the words said to have been spoken in the former year, as the complaint had been so long deferred; and they should confine themselves to the words relative to Nundcomar. This was also objected to by the managers, as an arbitrary proceeding, but finally agreed to by the House. Another debate then took place upon the extent of the examination, as restricted to the case of Nundcomar. The managers contended that the whole of that part of Mr. Burke's speech ought to be produced, as necessary to elucidate the nature of the words complained of; the other side were of opinion, that it was only necessary to ask the witness if Mr. Burke had made use of those express words. After much altercation, in which Mr. Fox complained in strong and pointed terms of the indignity and injustice with which the managers were treated, it was agreed that some part of the speech preceding the words should be read; which being done, and the offensive words ascertained, the Marquis of Graham rose, and moved, "That no direction or authority was given by this House to the committee ap-

pointed to manage the impeachment against Warren Hastings, Esq. to make any charge or allegation against the said Warren Hastings Esq., respecting the condemnation or execution of Nundcomar. And that the words spoken by the right honour-Edmund Burke, one of the said managers, viz. ' he (meaning Warren Hastings Esq.,) murdered that man (meaning Nundcomar) by the hands of Sir Elijah Impey,' ought not to have been spoken" Upon this motion a debate of considerable interest took place, in the course of which Mr. Burke was warmly supported by Mr. Fox, Mr. Sheridan, Mr. Windham, and Mr. Francis. On a division, the motion was agreed to by a majority of 135 to 66. As soon as the House was resumed, Mr. Bouverie moved, " That the thanks of this House be given to the right honourable Edmund Burke, and the rest of the managers, for their exertions and assiduity in the prosecution of the impeachment against Warren Hastings Esq., and that they be desired to persevere in the same." The master of the rolls considered the motion as not merely premature, but extremely improper, at that moment, just as the House had voted a censure upon one of the honourable managers; and therefore, without meaning any personal incivility to any of those honourable gentlemen, he should take the liberty of moving the previous question on the honourable gentleman's motion. This motion was agreed to. In consequence of the preceding votes some difference of opinion is said to have arisen in the committee of managers, relative to their continuance in that situation. It was, however, resolved to proceed; and accordingly, the next day of trial, Mr. Burke began his speech by commenting on the relative situations of himself and of the prisoner at the bar, and on the decision of the Commons with respect to their proceedings. *

* For the proceedings in Westminster-hall, on the 5th of May, 1789, see the fourth volume of this collection.

ABOLITION OF THE SLAVE TRADE.

May 12.

THE consideration of the slave trade, which, in conformity to a resolution passed by the House of Commons last year, ought to have been resumed early in the present session, was, on account of the peculiar circumstances of the times, deferred till the 12th of May. An elaborate report from the privy council was laid upon the table, and several petitions, both for and against the proposed abolition of the trade, were presented to the House. These papers were this day referred to a committee of the whole House to consider of the circumstances of the slave trade; in which committee Mr. Wilberforce concluded a speech of extraordinary merit, with moving twelve resolutions, founded on the report of the privy council.

Mr. BURKE said, that he did not mean to detain the committee but for a few minutes. He was not able, even if he had been inclined to it; but as from his other parliamentary duties he might not have it in his power to attend the business in its progress, he would take that opportunity of stating his opinion upon the subject. In the first place, he thought the House, the nation, and all Europe, under very great and serious obligations to the honourable gentleman, for having brought the subject forward in a manner the most masterly, impressive, and eloquent. A trade begun with savage war, prosecuted with unheard-of cruelty, continued during the mid passage with the most loathsome imprisonment, and ending in perpetual exile and unremitting slavery was a trade so horrid in all its circumstances, that it was impossible a single argument could be adduced in its favour. On the score of prudence nothing could be said in defence of it, nor could it be justified by necessity, and no case of inhumanity could be justified, but upon necessity; but no such necessity could

be made out strong enough to warrant such a traffic. It was the duty of that House therefore, to put an end to it. If it were said, that the interest of individuals required that it should be continued, that argument ought not to be listened to. Supposing a rich man had a capital to a considerable amount lying by him, and every one, he observed, who had a large capital was a rich man. All capitals required active motion; it was in their nature not to remain passive and unemployed; but if a large capital were employed in a traffic, disgraceful to the nation and shocking to humanity, it was the duty of that House to change its application, and instead of suffering it to be ill-employed, to direct it to be employed in some trade, at once advantageous in its end, respectable in its nature, and useful to mankind. Nor was it any argument to say the capital was already engaged in the slave trade; for from its active principle when taken out of that trade, it would soon find employment in another channel. This had been the case with the merchants and shipowners of Liverpool, during the American war; the African trade was then almost wholly lost, and yet the shipowners of Liverpool had their ships employed, either as transports in the service of government or in other ways.

After descanting on this point for some time with great soundness of reasoning, Mr. Burke said, he could have wished that the business might have been brought to a conclusion at once, without voting the propositions that had been read to them. He was not over fond of abstract propositions. They were seldom necessary, and often caused great difficulty and embarrassment. There was, besides, no occasion whatever to assign detailed reasons for a vote, which upon the face of it sufficiently justified the House in coming to it. If the propositions should happen to be made, and not be carried in that House, nor in the other, such a complication of mischiefs might follow, as would cause them heartily to lament that they ever were voted. If the ultimate resolution should happen to be lost, he declared, he was afraid the propositions would pass as waste paper.

He reminded the committee, that it was necessary to look farther than the present moment, and to ask themselves, if they had fortified their minds sufficiently to bear the consequences of the step they were that night about to take. When they abandoned the slave trade, the Spaniards and some other foreign power might possibly take it up, and clandestinely supply our West India islands with slaves. Had they virtue enough to see that, to bear the idea of another country reaping profits they had laid down, and to abstain from that envy natural to competitors in trade, so as to keep their virtue, and steadily to pursue their determination? If so, let them thankfully proceed to vote the immediate abolition of the trade. But if they should repent of their virtue, (and he had experienced miserable instances of such repentance) all hopes of future reformation would be lost; they would go back to a trade they had abandoned, with redoubled attachment, and would adhere to it with a degree of avidity and shameless ardour, to their own humiliation and to the degradation and disgrace of the nation in the eyes of all Europe. These were considerations well worth adverting to, before they took a decisive step in a business, in which they ought not to move with any other determination than to abide the consequence at all hazards. If they had virtue enough to act in that manner, they would do themselves immortal honour, and would see the abolition of the most shameful trade that ever the hardened heart of man could bear. Viewing the traffic and all the circumstances of it with the horror which the full view of it that the honourable gentleman had that day displayed, could not fail to excite in the breast of every man not dead to sensibility, he blamed not the honourable gentleman for knocking at every door, and appealing to every passion; well knowing, as the honourable gentleman had forcibly and correctly said, that mankind were governed by their sympathies. There were other passions, however, to be regarded; men were always ready to obey their sympathies when it cost them nothing. Were they prepared to pay the price of their virtue? The honourable gentleman

had said, the West India planters would have a compensation adequate to the loss incurred by the abolition of the slave trade. He believed they would; but how they would have instant compensation for what they would lose, he could not conceive. In proportion to their loss, would their virtue be the greater.

Having put this very forcibly, Mr. Burke took notice of the testimony of Admiral Barrington, who had said, that he envied the condition of the negroes in the West India islands. The honourable admiral, he should rather suppose, meant, that as he had fought so often and so bravely for his country, he was determined to fight again, rather than suffer his countrymen to be made slaves. If, however, he was to be taken literally, his sensation could only be accounted for by his having seen the negroes in the hours of their sports, when a sense of the misery of their condition was neither felt by themselves, nor visible to others. Mr. Burke reasoned on this with infinite knowledge of human nature, great nicety of discernment, and great truth of observation. Nothing, he said, made a happy slave, but a degraded man. In proportion as the mind grew callous to its degradation, and all sense of manly pride was lost, the slave felt comfort. In fact he was no longer a man. If he were to define a man, Mr. Burke declared, he would say with Shakespcare,

“Man is a being, holding large discourse,
Looking before and after.”

A slave was incapable of either looking before or after. Mr. Burke took notice of the reference which Mr. Wilberforce had made to the evidence delivered at the bar with so much ability by Mr. Glover, the author of *Leonidas*, a gentleman who had fortified the learned world with works that would preserve his reputation to future ages. That gentleman, he said, had told them at their bar the probable mischiefs that the American war would draw on their trade; and because by a happy coincidence of circumstances that mischief had not ensued to its full predicated extent, was

the evidence of Mr. Glover to be despised and ridiculed, and was such a man to be treated as a false prophet? After dwelling upon this for some time, Mr. Burke said, he would conclude as he had begun, with giving his hearty and sincere thanks to the honourable gentleman for his speech; and though he might not entirely approve of his mode of proceeding, he was ready to let him pursue his own mode, be that what it might, and to give him every possible support.

The resolutions were ordered to be entered on the Journals, and the chairman was directed to report progress, and ask leave to sit again. On the 21st of May, a debate took place upon the motion, that the House should again resolve itself into the committee; in the course of which,

Mr. BURKE said, that as to the question itself, he thought no farther evidence was necessary, than what had already been laid before the House, to convince them of the necessity of abolishing what he would be bold to say was a system of robbery. He cared not for any objection that any particular persons might make to this expression. The African trade was, in his opinion, an absolute robbery. It therefore could not be a doubt with the House, whether it was proper to abolish it. It was, he said, the end of all law to correct and entirely eradicate, if possible, every evil that existed in any part of the state. The only question before the House was, whether the evil could be cured entirely, or only partially alleviated? He had not the least doubt in his own mind, but it could be totally eradicated, without any of those attendant inconveniencies which existed in the minds of some gentlemen. He was, therefore, anxious that they should proceed to that stage of the business in which such inquiries could be made as would convince the parliament and the country, that the African trade was a robbery that ought to be and could be abolished, consistently with every principle of public justice and humanity. As to the idea of the West

India merchants being reimbursed what they might lose by this abolition, it was totally against every principle of legislation. Government gave their countenance to certain kinds of commerce, as long as they were conducted on such principles of equity and humanity, as deserved their sanction. But when this commerce became an evil, a disgrace to the state, government was certainly competent to withdraw their countenance from what they had before authorized and protected. And those who engaged in this commerce, adopted it with all the conveniences arising from the sanction and encouragement it received from government; it was, therefore, but just that they should be prepared to abide by the losses arising from that sanction and encouragement being withdrawn. It was consequently evident, that there existed no just plea for compensation on the part of the planters. — He next adverted to the impossibility of a country being ever civilized, that was thus in the habits of slavery, as the Africans were. While we continued to purchase them, they must ever remain in a state of barbarity; for it was impossible to civilize a slave; it was contrary to the system of human nature. No country so situated was ever known to be in a state of civilization. On the contrary, those who were in the habit of selling their bodies, must remain in a state of the most savage barbarity. There were but two parts of the world distinguished for this national degradation, Africa, and the countries bordering on the Black Sea. Both were equally barbarous, both equally destitute of those refinements which attended an enlightened policy; and they would remain in this state of savage nature, as long as they remained liable to be purchased as the slaves of other nations.

PENAL LAWS.

May 28.

ON the motion for committing the bill to explain and amend the act of the 6th of his present majesty, for encouraging the growth of roots, trees, and shrubs,

Mr. BURKE said, that considering the whole system of the penal laws in this country as radically defective, as he always had opposed, so should he still continue to resist their intended multiplication. Instead of applying a remedy to the source of the evil, whenever inconvenience was felt in any particular instance, recourse was had to the legislature for a new law for that particular case. This was like sticking a bush into a gap in a hedge, which instead of repairing the breach, often ruined the whole fence. Against all offences which admitted of it, a civil was preferable to a criminal remedy, because the damage done could be appreciated by a jury, and not only punishment inflicted on the offender, but reparation made to the injured person. He observed, that the insufficiency of the law was frequently not so much owing to the law itself, as to the remissness of those who were to put it in execution; and hence the legislature was often called on to punish, by rigorous penalties, the negligence of the magistrates on the inadvertencies of the poor. He recommended a revision of the whole criminal code, which, in its present state, he thought abominable.

CHOICE OF A SPEAKER.

June 8.

LORD Sydney having resigned the office of secretary of state for the home department, the right honourable William Wyndham Grenville was immediately appointed in his room. This circumstance having occasioned a vacancy in the chair of the House of Commons, Mr. Henry Addington was proposed for that office by the Marquis of Graham, and Sir Gilbert Elliot by Mr. Welbore Ellis. After Mr. Addington and Sir Gilbert Elliot had addressed the House, Mr. Fox rose and supported the appointment of Sir Gilbert Elliot. Mr. Pitt declared, that he meant to speak with respect of the honourable baronet; but, in the several topics of encomium bestowed upon him, all of which, he believed, were deservedly bestowed, there were circumstances which, from his acquaintance with the honourable baronet, upon private grounds, he did not know. The talents and the character of his honourable friend Mr. Addington he knew, both from a personal acquaintance and a public acquaintance.

Mr. BURKE declared, that he did not mean, by way of retaliation, to depreciate, in the smallest degree, the talents or the character of the honourable gentleman over the way; and that nothing but having caught something of the fire and spirit of the chancellor of the exchequer could have induced him to rise. He did not envy that right honourable gentlemen the pleasing task of endeavouring to abate somewhat of the merits of a person who had, he believed, never been the man to put his own merits forward, but had always shewn that he possessed, in an eminent degree, that modesty which was the constant companion of merit. Whatever faults he might have, Mr. Burke said, he never had attempted to depreciate rising talents. On the contrary, if he ever had any merit, it was in hailing those

superior talents whenever he had discovered them. The blossoming abilities of young members always afforded him the highest satisfaction, because it struck him as a renovation of the stock of public talent, and a pleasing earnest of the preservation of the constitution. But experience could not be drawn from blossoming talents; it could only be looked for from matured manhood; the degree of skill necessary for the chair of that House was to be expected from acquired experience rather than from brilliant talents. The House certainly might, by an arbitrary authority, place any gentleman in the chair, but the opinion of mankind must give the appointment authority; for it was not the stamp that gave the guinea currency, but the opinion of the authority of that stamp: otherwise, if a guinea were stamped by all the kings of Europe, the coin would not be current. Every country wishing to preserve its liberty, must preserve its maxims. There were maxims in all countries which were supplemental to the laws, and if any principle was necessary in a free country, it was that of adhering to its ancient and established maxims. Therefore it was, that wise republics had bound themselves down by laws, that certain offices should only be filled by certain men of a certain age, and those laws were never broken in upon, except when the country was on the verge of ruin. Mr. Burke alluded to the conduct of James I., who took the Duke of Buckingham, who had talents and some learning, and loaded him with every honour of the state. Such a conduct always led to disorder and mischief. It would, he said, be unfortunate, if the maxims of this country should be changed, and such an appointment as to the chair of that House be rashly given, merely at the will of the minister, without regard to qualification. He compared the present mode of appointment, and the recent abdication of the chair, to a successful person riding post through a town, and saying, as he went along, "Gentlemen, I am in haste; I thank you for your support, but I am going about material business. You have a succession house, a hot-bed for statesmen; put another into the chair, and sitting there a little while, will

qualify him for another office; here is another I recommend; though he has not been many years in the House, he is known to a few members, who will answer for him." He did not doubt, Mr. Burke added, that the honourable gentleman was known to many members, but the honourable baronet was known to the House, and had been known by them for years. They had seen him make one of the greatest efforts of the human mind *. His conduct had been such, that malice could not touch him in any of its parts. His character was a long unbroken line, like that which served as a boundary for various rich and fertile provinces in a geographical chart. The honourable baronet was come to that time of life, when the activity and spirit of youth became mellowed, not impaired, by the experience of age. He possessed that sweetness of temper which did not subdue, but bent the mind to authority, because all men wished to act more from love than fear.

The House divided on the motion, " That Henry Addington, Esq. do take the chair of this House as Speaker : Yeas 215 : Noes 142.

LIBEL ON THE HOUSE OF COMMONS.

June 16.

THIS day, Mr. Marsham said, that a paper had been just put into his hands, containing a paragraph, which, if the word " spirit " that occurred in it, was meant in the sense in which he understood it, was a gross and scandalous libel on that House. He flattered himself, that during the time he had sat in that House, no man could accuse him of having been forward

* Sir Gilbert Elliot's Speech on opening the charges against Sir Elijah Impey.

to find fault with printers, or to act as if he were in any way an enemy to the liberty of the press. No man wished it more sincerely well than he did, because no man was more thoroughly satisfied, that a free press was essential to the very existence of the constitution; but, there was a clear distinction between liberty and licentiousness, and the former could not, perhaps, be more effectually supported, than by checking and punishing every instance of the latter. He hoped, therefore, that as long as he had the honour to hold a seat in that House, he should have spirit enough to stand up an advocate for its dignity, and to move a prosecution against any person who should presume to libel its proceedings. The paragraph in question was, in his opinion, a direct attack on the dignity of that House, and a daring attempt to degrade and disgrace them in the eyes of the people of England. He trusted, therefore, that the House would order the attorney-general to prosecute the printer of the paper which contained it, and which was "The World" of that morning. Mr. Marsham read the paragraph to the House, in the following words: "Mr. Hastings's trial is to be put off to another session, unless the Lords have spirit enough to put an end to so shameful a business." The paper was handed to the table, and the paragraph complained of read in form. After which, Mr. Marsham moved, "That an humble address be presented to his majesty, desiring that his majesty would be graciously pleased to order his attorney-general to prosecute the printer and publisher of the paper in question."

Mr. BURKE said, that every member must perceive the propriety of the motion of his honourable friend, and must cordially concur in it. He, for one, felt hurt at being, from day to day, shewn these gross misrepresentations of the proceedings of that House, both in Westminster-hall and within those walls. At the same time, no man living could wish more than he did that the public should have a faithful account of all public proceedings. Every thing of a judicial nature especially ought to be transacted in the public eye, and where it could not be done in the public eye, it ought to meet the public ear, which could only be effected by suffering accounts of what had passed to go forth into the world;

but then, those accounts ought to be candid, dispassionate, and above all, true. It was known by every man, that the publication of any account whatever of matters at issue, *pendente lite*, was an irregular and improper proceeding : but there had been, in the paper complained of, accounts published, which were not only irregular, but in the highest degree false and scandalous. He always felt some difficulty in deciding what ought to be done on such occasions, because every man must see that there were palpable distinctions between the two cases which he had mentioned, and a question arose, whether they ought to punish those, who, without any misrepresentation, were only guilty of irregularity, for that irregularity, as well as those who added the offence of misrepresentation and rank falsehood to that of irregularity. There could be no way of proceeding, but to put a stop to such publications altogether, and to publish an account of what passed from day to day, by authority of the court, from the short-hand writer's notes, which would, in his mind, be neither practicable nor proper. Certainly, if the punctilios respecting matters at issue were carried to their utmost extent, much useful information would be suppressed. At the same time, he must confess, that it was, in his opinion, better, upon the whole, that the public should receive no information at all, than information which was false. He hoped, therefore, the honourable gentleman would take up the whole body of misrepresentation to which he had alluded, and bring all the libels touching the trial before a court of justice. Mr. Burke added, that if he were a person no ways concerned in the scene of action, but living at a distance in the country, and were to form his notions of what passed in that House and in Westminster-hall from the accounts given in the paper complained of, he should have conceived that the reverse of what happened was the true state of the fact, and that instead of the House taking members of any knowledge, experience, or ability, to act as managers of the prosecution, they had fixed upon a set of ideots, the greatest that could be found in the world. He had

been backward in taking any notice of these irregularities, because, as far as regarded himself, he had been long used to them, and despised them, being satisfied that such personal attacks as, from time to time, had been made on the managers, injured no person's character, when made singly; but when joined to a gross falsification of facts, they became more serious, and necessarily called for proper reprehension.

The motion was put and agreed to.

June 18.

ON the 18th of June, Mr. Grey, perceiving the attorney-general in the House, asked the honourable and learned gentleman, why certain prosecutions for libels, ordered by that House, during the course of the preceding session, had not been brought to an issue? The right honourable and learned gentleman had, he imagined, good reasons to give why the prosecutions in question had lingered so long; but he thought it right for the House to watch over the execution of its directions, and most especially where prosecutions for libels were ordered, to take care that such prosecutions were not nugatory, and he rather embraced that opportunity of putting the question, because he was anxious that the prosecution moved for against the printer and publisher of "The World" the other day, for one of the many gross libels on the House which had appeared in that paper, might be carried into effect. — The attorney-general answered Mr. Grey at some length, and in conclusion, expressed his wish, that gentlemen would not hastily, and on the spur of indignation, rise and move a prosecution, but would suppress their resentment, and consider well the whole of the probable consequences which might attend a prosecution before they moved it.

Mr. BURKE said, that he agreed most perfectly with the honourable and learned gentleman, that the utmost caution was necessary in moving for prosecutions for libels, under the authority of that House, and that repeated verdicts for

defendants in the trial of such prosecutions, would tend more effectually to weaken their authority and degrade their dignity, than the publication of any libel however slanderous. But surely, it had escaped the honourable and learned gentleman, that the right honourable gentleman who lately sat in the chair * had been the member who moved for the prosecution in question, and therefore, as he was in habits of intimacy with the crown lawyers, it must be supposed, that the right honourable gentleman had acted with the greatest deliberation, and the more especially as the motion had subsequently received the sanction of his majesty. Motions for prosecutions for libels in that House, did not greatly impress his memory; but, if he recollected rightly, the prosecution alluded to was for a libel against Sir Elijah Impey, who had complained of the newspapers, and called upon the House to protect him from their slander. Undoubtedly, every man whose conduct was under inquiry before that House, was entitled to its protection. It was his due, and he had a clear right to claim it; but he neither had, nor ever would be the man to advise a prosecution without doors. The House was bound to defend its solemn acts, and to guard them from ridicule and slander; but, had he been consulted in regard to the prosecution in the case of Sir Elijah Impey, he would not have recommended a resort to any other tribunal than that House, which he should at all times contend, was perfectly competent to support its privileges by an exertion of its own authority. Whenever that arm was turned aside, the House would subject itself to repeated insults of every description, and its privileges might ultimately be carried, by writ of error, before the House of Lords, to be decided upon; a degradation which the House could not guard against with too jealous a caution. Certain he was, that in all motions for prosecutions for libel, the House, whatever it did, ought to do it with due deliberation; and,

* Mr. Grenville.

in all cases, unless of a very aggravated nature, the safest mode of proceeding was to resort to their ancient and wholesome practice of attachment, where their own privileges were infringed or insulted. With regard to the late motion for a prosecution for a libel respecting the trial of Warren Hastings, that motion had, as they all knew, been made by one of the worthiest, soberest, and most respectable men in that House, who, as he himself declared, had been touched with indignation at the first sight of the most insolent, audacious, and unwarrantable attack, that ever was made on the solemn acts of a House of parliament. The House were in possession of his opinion upon the subject, and had heard him declare, that provoking and audacious as that libel was, it was nothing in comparison to the many and repeated false accounts which were daily given in the same paper concerning what passed in Westminster-hall. Those continued misrepresentations called for serious notice, because, however respectable any public body might be, if it suffered itself to be daily libelled, abused, and ridiculed, it must, necessarily and unavoidably, sink in the public opinion; and therefore, such a series of insults, grounded on such a series of falsehoods, were more worthy of prosecution, than a libel on Sir Elijah Impey, or even a general libel on the dignity of the House. He was ready, Mr. Burke said, to allow largely for the inaccuracy of newspaper reports of public and parliamentary proceedings; and when the scanty time for committing them to the press, and the difficulty of satisfying the craving appetite and eager curiosity of the public for intelligence of an interesting and important nature sufficiently early, were considered, every fair man would be willing to make a reasonable, and a full and liberal allowance. Free discussion, candid disquisition, and even an honest opinion on what passed, or what was passing, might be warrantable; but, in a judicial proceeding, *pendente lite*, even an opinion ought not to be hazarded, because it might injure the cause at issue, and could not be a well grounded opinion before all the evidence and argu-

ments on both sides of the question had been heard and concluded. He understood that papers of wit and humour were regularly published on the subject of the trial; to them, if any such there were, (for he had not seen them) he professed no sort of hostility. But a settled plan of daily misrepresentation, replete with the most libellous and licentious abuse of those who were authorized by that House to conduct the prosecution, might become a serious consideration before the House. For his part, revering, as he did, all the essential aids of the constitution, he thought that if the licence of the press went on that way, the liberty of the press was going; being convinced that the liberty could not have a deadlier foe than the licence, and especially if that licence were exercised through corruption, and at the suggestion of the money of a party interested. At the same time that he gave notice, therefore, that this slanderous series of misrepresentations might hereafter be submitted formally to the consideration of that House, he desired, whatever part he might take in it, as one among others, not to be considered as actuated by any personal motives, or by any feelings of his own in consequence of newspaper attacks. He should ground his conduct in this, as in every other public proceeding, upon public principles and public principles only.

ARMY ESTIMATES — FRENCH REVOLUTION — DIFFERENCE
OF OPINION BETWEEN MR. BURKE AND MR. FOX.

February 9. 1790.

ON the fifth of February, the army estimates were brought forward by Sir George Young, the secretary at war. The estimates were nearly the same with those of the preceding year, and were not voted without some objections from the side of opposition. It was observed by Sir Grey Cooper, Mr.

n, and others, that eight years of peace had elapsed, the military estimates were not yet reduced even to the establishment of 1775, though the committee of which sat in the year 1786, had presumed upon a still reduction. That there was nothing in the actual situation of affairs that called for this extraordinary military force; on the contrary, that his majesty had assured them of the disposition of all the foreign powers: that France, our great rival and enemy, in consequence of her internal dissensions, would probably be disabled from giving us any assistance for a long course of years; and lastly, that the alliances we had made, and the subsidiary treaties we had entered into on the continent, inasmuch as they multiplied the chances of our being involved in war, were proportionably advantageous, if they did not enable us to reduce our expences at the time of peace. To these arguments it was answered in general by Mr. Secretary Grenville and Mr. Pitt, that though there was no reason at present to apprehend that we should be engaged in hostilities with any foreign power, yet the unsettled state of Europe, and the internal situation of several parts of it, made it necessary for us to keep ourselves in such a state, as might enable us to act with vigour and effect, if occasion should require. That it was a preposterous economy to tempt an attack by our weakness, and for a miserable present saving to hazard a great future expence. That our foreign alliances, which had been approved of by all parties as necessary for the preservation of that balance of power in Europe, upon which the permanence of its tranquillity depended, could only be rendered effectual for that purpose, by our being able to support them with an adequate force; and, lastly, that it would be found, upon an examination of the detail of all our military establishments, that they could not, with common prudence, be reduced to a narrower scale.

In the course of the debate upon this subject, Mr. Fox took occasion to remark, that the conduct of the French soldiers, during the late commotions, tended greatly to remove one of the objections, which he had always entertained against standing armies. That army, by refusing to obey the dictates of the court, had set a glorious example to all the military of Europe, and had shewn, that men, by becoming soldiers, did not cease to be citizens.—Colonel Phipps begged leave to enter his protest against the compliment which had been paid

to the profession to which he had the honour to belong, so far as it was connected with any approbation of the proceedings of the French army. He conceived that the conduct of the British army in the year 1780, might have furnished the right honourable gentleman with a much more unexceptionable ground of panegyric. He would there have found the soldiery of this nation not joining those who were riotously disturbing the public peace and scattering ruin among individuals; not the first, in violation of their oaths and of their allegiance, to head anarchy and rebellion; but men really feeling as citizens and soldiers, patiently submitting to the insults of the populace, and, in spite of provocation, maintaining the laws, and acting under the constituted authorities of the realm.

On the 9th of February the army estimates were reported from the committee, when a farther debate took place. The estimates were defended by Mr. Secretary Grenville. He acknowledged that he did not think France very formidable when the augmentation was made two years ago; but he was of opinion then, as he was now, that such a number of troops ought to be kept in each island, as might be able to defend it, in case of attack, till the arrival of a fleet. If the situation of France rendered her less formidable now than she was then, still it was not politic to alter our establishment on every alteration in the circumstances of rival powers. France, three years ago, had, he said, been declared by Mr. Fox to be more formidable than even in the reign of Lewis XIV. A few years had produced the present alteration, and a few years more might produce another. It was, therefore, the policy of this country to maintain a peace-establishment on a general principle, and not on a partial view of the comparative situation of France. — Mr. Fox replied to Mr. Grenville. In the course of his speech he observed, that the situation of France was, in his mind, a material reason why the present establishment was not necessary; for, after her late behaviour in the Dutch dispute, it was not very likely she should wish to commence hostilities against this country. He was not mortified by the right honourable secretary's noticing his being mistaken in his speculation made three years since, of the power of France; a change, as sudden as unexpected, had taken place in her affairs, in which some exulted, and of which number, in one point of view, he considered himself as included, from feelings and from principle. To the insinuation which the right honourable

secretary had brought against his supposed want of political foresight, he could, without vanity, answer, that there were few mistakes indeed, of which he should be less ashamed; because, even if a person, possessing the gift of prophecy, had appeared in any part of Europe, in Paris or in London, and foretold those extraordinary occurrences which had since arisen, every word issuing from his lips would only have been regarded as a corroboration of his insanity. In three years more, it was possible, she might again have a turn in her affairs, and become more formidable than ever: it was not likely, however, that the growth of power should be so sudden, as to prevent our ability of providing against any of its inimical effects. The difference of pulling down and building up, was very material; a state might fall from a pinnacle of power to actual inertness, but to rise to a state of grandeur on a sudden, was impossible. The right honourable secretary had observed, that it was good to be secure, and not to tempt an attack. Certainly. To this he would reply, that if France were at this moment insecure, and tempting an attack, it arose not from a neglect of her garrisons, or of her large establishments. This country could not bear such immense establishments; she being armed at all points, *cap-a-pe*, would ultimately prove her ruin: her reliance ought to be on her revenue, and, by a saving from the establishment in the West Indies, she would strengthen herself. He believed it would be difficult for the right honourable gentleman to prove that any of the islands which were lost, could have been saved by the troops now proposed to be sent. He contended, that it was fit the House should, every year, consider the establishment according to the state of the powers of Europe. At present, viewing those powers, he saw no necessity for our keeping up so large an army. The defence of the East Indies, he imagined, would be more advantageously left to the native troops than to Europeans, who could not endure the climate. He observed the army to be continually increasing; that every pretence was seized to increase it, but none to diminish it. The principle upon which the right honourable secretary went for the defence of the West Indies would ultimately prove the present establishment to be too small; and, another year, a further increase might be expected to be proposed: the principle he went upon proved the present establishment to be too great. The House, if it voted the present establishment, without the knowledge of

the number of troops meant to defend each island, must give their vote in a blind confidence. Reverting to the subject of France, Mr. Fox described her as in a state which could neither fill us with alarm, nor excite us to indignation. Surrounded and oppressed by internal divisions and calamities, she could not so suddenly rise superior to their pressure, as to preclude us from a preparation against an impending storm. Had France remained in that formidable and triumphant state by which she was distinguished in the year 1783, he would be one of the first in the House to applaud an augmentation of our peace-establishment. In all our contests with that ancient enemy, our intemperance had seduced us into very disagreeable situations; and we had been frequently obliged to accept of terms which we might have obtained several years before such an agreement. If fortune had now humbled the pride and ambition of this mighty empire — if that anarchy and confusion incidental to such a revolution had struck her people with inertness and inactivity — why should we dread her sudden declaration of hostilities?

After the estimates had been defended by Mr. Pitt, Mr. Burke rose and addressed the House. The following report of his speech upon this occasion was published by authority, with this short introduction:

“ Mr. Burke's speech on the report of the army estimates has not been correctly stated in some of the public papers. It is of consequence to him not to be misunderstood. The matter which incidentally came into discussion is of the most serious importance. It is thought that the heads and substance of the speech will answer the purpose sufficiently. If in making the abstract, through defect of memory, in the person who now gives it, any difference at all should be perceived from the speech as it was spoken, it will not, the editor imagines, be found in any thing which may amount to a retraction of the opinions he then maintained, or to any softening in the expressions in which they were conveyed.”

Mr. BURKE spoke a considerable time in answer to various arguments which had been insisted upon by Mr. Grenville and Mr. Pitt, for keeping an increased peace establishment, and against an improper jealousy of the ministers, in whom a full confidence, subject to respon-

ability, ought to be placed, on account of their knowledge of the real situation of affairs; the exact state of which it frequently happened, that they could not disclose, without violating the constitutional and political secrecy, necessary to the well being of their country.

Mr. Burke said in substance, That confidence might become a vice, and jealousy a virtue, according to circumstances. That confidence, of all public virtues, was the most dangerous, and jealousy in an House of Commons, of all public vices, the most tolerable; especially where the number and the charge of standing armies, in time of peace, was the question.

That in the annual mutiny bill, the annual army was declared to be for the purpose of preserving the balance of power in Europe. The propriety of its being larger or smaller depended, therefore, upon the true state of that balance. If the increase of peace establishments demanded of parliament agreed with the manifest appearance of the balance, confidence in ministers, as to the particulars, would be very proper. If the increase was not at all supported by any such appearance, he thought great jealousy might, and ought to be, entertained on that subject.

That he did not find, on a review of all Europe, that, politically, we stood in the smallest degree of danger from any one state or kingdom it contained; nor that any other foreign powers than our own allies were likely to obtain a considerable preponderance in the scale.

That France had hitherto been our first object, in all considerations concerning the balance of power. The presence or absence of France totally varied every sort of speculation relative to that balance.

That France is, at this time, in a political light, to be considered as expunged out of the system of Europe. Whether she could ever appear in it again, as a leading power, was not easy to determine: but at present he considered France as not politically existing; and most assuredly it would take up much time to restore her to her former active existence — *Gallos quoque in bellis floruisse*

audivimus, might possibly be the language of the rising generation. He did not mean to deny that it was our duty to keep our eye on that nation, and to regulate our preparation by the symptoms of her recovery.

That it was to her *strength*, not to her *form of government*, which we were to attend; because republics, as well as monarchies, were susceptible of ambition, jealousy, and anger, the usual causes of war.

But if, while France continued in this swoon, we should go on increasing our expences, we should certainly make ourselves less a match for her, when it became our concern to arm.

It was said, that as she had speedily fallen, she might speedily rise again. He doubted this. That the fall from an height was with an accelerated velocity; but to lift a weight up to that height again was difficult, and opposed by the laws of physical and political gravitation.

In a political view, France was low indeed. She had lost every thing even to her name.

“ Jacet ingens littore truncus,

“ Avolsunque humeris caput, et sine nomine corpus.”*

He was astonished at it—he was alarmed at it—he trembled at the uncertainty of all human greatness.

Since the House had been prorogued in the summer much work was done in France. The French had shewn themselves the ablest architects of ruin that had hitherto existed in the world. In that very short space of time they had

* Mr. Burke, probably, had in his mind the remainder of the passage, and was filled with some congenial apprehensions:

“ Hæc finis Priami fatorum; hic exitus illum

“ Sorte tulit, Trojam incensam, & prolapsa videntem

“ Pergama; tot quondam populis, terrisque, superbum

“ Regnatorem Asiæ. Jacet ingens littore truncus,

“ Avolsunque humeris caput, & sine nomine corpus.

“ At me tum primum sævus circumstetit horror;

“ Obstupui: subit chari genitoris imago”——

completely pulled down to the ground, their monarchy; their church; their nobility; their law; their revenue; their army; their navy; their commerce; their arts; and their manufactures. They had done their business for us as rivals, in a way in which twenty Ramillies or Blenheims could never have done it. Were we absolute conquerors, and France to lie prostrate at our feet, we should be ashamed to send a commission to settle their affairs, which could impose so hard a law upon the French, and so destructive of all their consequence as a nation, as that they had imposed upon themselves.

France, by the mere circumstance of its vicinity, had been, and in a degree always must be, an object of our vigilance, either with regard to her actual power, or to her influence and example. As to the former, he had spoken; as to the latter, (her example) he should say a few words: for by this example our friendship and our intercourse with that nation had once been, and might again, become more dangerous to us than their worst hostility.

In the last century, Louis the Fourteenth had established a greater and better disciplined military force than ever had been before seen in Europe, and with it a perfect despotism. Though that despotism was proudly arrayed in manners, gallantry, splendour, magnificence, and even covered over with the imposing robes of science, literature, and arts, it was, in government, nothing better than a painted and gilded tyranny; in religion, a hard, stern intolerance, the fit companion and auxiliary to the despotic tyranny which prevailed in its government. The same character of despotism insinuated itself into every court of Europe — the same spirit of disproportioned magnificence — the same love of standing armies, above the ability of the people. In particular, our then sovereigns, king Charles and king James, fell in love with the government of their neighbour, so flattering to the pride of kings. A similarity of sentiments brought on connections equally dangerous to the interests and liberties of their country. It were well that the infection had gone no farther than the throne. The admiration

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assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement of their military.

He was sorry that his right honourable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance; or that he seemed of opinion that the objection from standing armies was at all lessened by it. He attributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, Liberty. That it was with a pain inexpressible he was obliged to have even the shadow of a difference with his friend, whose authority would be always great with him, and with all thinking people — *Quæ maxima semper cœsetur nobis, et erit quæ maxima semper* — His confidence in Mr. Fox was such, and so ample, as to be almost implicit. That he was not ashamed to avow that degree of docility. That when the choice is well made, it strengthens instead of oppressing our intellect. That he who calls in the aid of an equal understanding doubles his own. He who profits of a superiour understanding, raises his powers to a level with the height of the superior understanding he unites with. He had found the benefit of such a junction, and would not lightly depart from it. He wished almost, on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words; and that he wished, as amongst the greatest benefits he could wish the country, an eminent share of power to that right honourable gentleman; because he knew that, to his great and masterly understanding, he had joined the greatest possible degree of that natural moderation, which is the best corrective of power; that he was of the most artless, candid, open, and benevolent disposition; disinterested in the extreme; of a temper mild and placable, even to a fault; without one drop of gall in his whole constitution.

That the house must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of reform. He

was so strongly opposed to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that much as it would afflict him, if such a thing could be attempted, and that any friend of his could concur in such measures, (he was far, very far, from believing they could;) he would abandon his best friends, and join with his worst enemies to oppose either the means or the end; and to resist all violent exertions of the spirit of innovation, so distant from all principles of true and safe reformation; a spirit well calculated to overturn states, but perfectly unfit to amend them.

That he was no enemy to reformation. Almost every business in which he was much concerned, from the first day he sat in that house to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses. Some traces of this spirit in him now stand on their statute book. In his opinion, any thing which unnecessarily tore to pieces the contexture of the state, not only prevented all real reformation, but introduced evils which would call, but perhaps call in vain, for new reformation.

That he thought the French nation very unwise. What they valued themselves on, was a disgrace to them. They had gloried (and some people in England had thought fit to take share in that glory) in making a revolution; as if revolutions were good things in themselves. All the horrors, and all the crimes of the anarchy which led to their revolution, which attend its progress, and which may virtually attend it in its establishment, pass for nothing with the lovers of revolutions. The French have made their way through the destruction of their country, to a bad constitution, when they were absolutely in possession of a good one. They were in possession of it the day the states met in separate orders. Their business, had they been either virtuous, or wise, or had been left to their own judgment, was to secure the stability and independence of the states, according to those orders, under the monarch on the throne. It was then their duty to redress grievances.

Instead of redressing grievances, and improving the fabrick of their state, to which they were called by their monarch, and sent by their country, they were made to take a very different course. They first destroyed all the balances and counterpoises which serve to fix the state, and to give it a steady direction; and which furnish sure correctives to any violent spirit which may prevail in any of the orders. These balances existed in their oldest constitution; and in the constitution of this country; and in the constitution of all the countries in Europe. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass.

When they had done this, they instantly, and with the most atrocious perfidy and breach of all faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the church. They made and recorded a sort of *institute* and *digest* of anarchy, called the rights of man, in such a pedantick abuse of elementary principles as would have disgraced boys at school; but this declaration of rights was worse than trifling and pedantick in them; as by their name and authority they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration they subverted the state; and brought on such calamities as no country, without a long war, has ever been known to suffer, and which may in the end produce such a war, and perhaps, many such.

With them the question was not between despotism and liberty. The sacrifice they made of the peace and power of their country was not made on the altar of freedom. Freedom, and a better security for freedom than that they have taken, they might have had without any sacrifice at all. They brought themselves into all the calamities they suffer, not that through them they might obtain a British constitution; they plunged themselves headlong into those calamities, to prevent themselves from settling into that constitution, or into any thing resembling it.

That if they should perfectly succeed in what they propose, as they are likely enough to do, and establish a democracy, or a mob of democracies, in a country circumstanced like France, they will establish a very bad government — a very bad species of tyranny.

That, the worst effect of all their proceeding was on their military, which was rendered an army for every purpose but that of defence. That, if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, he could have no difference about it; though as it is usual, when abstract principles are to be applied, much was to be thought on the manner of uniting the character of citizen and soldier. But as applied to the events which had happened in France, where the abstract principle was clothed with its circumstances, he thought that his friend would agree with him, that what was done there furnished no matter of exultation, either in the act or the example. These soldiers were not citizens; but base hireling mutineers, and mercenary sordid deserters, wholly destitute of any honourable principle. Their conduct was one of the fruits of that anarchick spirit, from the evils of which a democracy itself was to be resorted to, by those who were the least disposed to that form as a sort of refuge. It was not an army in corps and with discipline, and embodied under the respectable patriot citizens of the state in resisting tyranny. Nothing like it. It was the case of common soldiers deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause, the real object of which was to level all those institutions and to break all those connections, natural and civil, that regulate and hold together the community by a chain of subordination; to raise soldiers against their officers; servants against their masters; tradesmen against their customers; artificers against their employers; tenants against their landlords; curates against their bishops; and children against their parents. That this cause of theirs was not an enemy to servitude, but to society.

He wished the house to consider, how the members would like to have their mansions pulled down and pillaged; their persons abused, insulted, and destroyed; their title deeds brought out and burned before their faces, and themselves and their families driven to seek refuge in every nation throughout Europe, for no other reason than this; that without any fault of theirs, they were born gentlemen, and men of property, and were suspected of a desire to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and whose savage war-hoop was "*à l'Aristocrate*," by which senseless, bloody cry, they animated one another to rapine and murder; whilst abetted by ambitious men of another class, they were crushing every thing respectable and virtuous in their nation, and to their power disgracing almost every name, by which we formerly knew there was such a country in the world as France.

He knew too well, and he felt as much as any man, how difficult it was to accommodate a standing army to a free constitution, or to any constitution. An armed, disciplined body is, in its essence, dangerous to liberty; undisciplined, it is ruinous to society. Its component parts are, in the latter case, neither good citizens nor good soldiers. What have they thought of in France, under such a difficulty as almost puts the human faculties to a stand? They have put their army under such a variety of principles of duty, that it is more likely to breed litigants, pettifoggers, and mutineers, than soldiers*. They have set up, to balance their crown army, another army, deriving under another authority, called a municipal army — a balance of armies, not of orders. These latter they have destroyed with every mark of insult and oppression. States may, and they will best, exist with a partition of civil powers. Armies cannot

* They are sworn to obey the king, the nation, and the law.

exist under a divided command. This state of things he thought, in effect, a state of war, or, at best, but a truce instead of peace, in the country.

What a dreadful thing is a standing army, for the conduct of the whole or any part of which, no man is responsible ! In the present state of the French crown army, is the crown responsible for the whole of it ? Is there any general who can be responsible for the obedience of a brigade ? Any colonel for that of a regiment ? Any captain for that of a company ? And as to the municipal army, reinforced as it is by the new citizen-deserters, under whose command are they ? Have we not seen them, not led by, but dragging their nominal commander with a rope about his neck, when they or those whom they accompanied, proceeded to the most atrocious acts of treason and murder ? Are any of these armies ? Are any of these citizens ?

We have in such a difficulty as that of fitting a standing army to the state, he conceived, done much better. We have not distracted our army by divided principles of obedience. We have put them under a single authority, with a simple (our common) oath of fidelity ; and we keep the whole under our annual inspection. This was doing all that could be safely done.

He felt some concern that this strange thing called a revolution in France, should be compared with the glorious event commonly called the revolution in England ; and the conduct of the soldiery, on that occasion, compared with the behaviour of some of the troops of France in the present instance. At that period the Prince of Orange, a prince of the blood-royal in England, was called in by the flower of the English aristocracy to defend its ancient constitution, and not to level all distinctions. To this prince, so invited, the aristocratic leaders who commanded the troops went over with their several corps, in bodies, to the deliverer of their country. Aristocratick leaders brought up the corps of citizens who newly enlisted in this cause. Military obedience changed its object ; but military disci-

pline was not for a moment interrupted in its principle. The troops were ready for war, but indisposed to mutiny.

But as the conduct of the English armies was different, so was that of the whole English nation at that time. In truth, the circumstances of our Revolution (as it is called) and that of France are just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us it was the case of a legal monarch attempting arbitrary power — in France it is the case of an arbitrary monarch, beginning, from whatever cause, to legalise his authority. The one was to be resisted, the other was to be managed and directed; but in neither case was the order of the state to be changed, lest government might be ruined, which ought only to be corrected and legalized. With us we got rid of the man, and preserved the constituent parts of the state. There they get rid of the constituent parts of the state, and keep the man. What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shewn that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same lords, the same commons, the same corporations, the same electors.

The church was not impaired. Her estates, her majesty, her splendour, her orders and gradations continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The church and the state were the same after the Revolution that they were before, but better secured in every part.

Was little done because a revolution was not made in the constitution? No! Every thing was done; because

we commenced with reparation not with ruin. Accordingly, the state flourished. Instead of lying as dead, in a sort of trance, or exposed as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous convulsive movements, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard, even of her former self. An æra of a more improved domestic prosperity then commenced, and still continues, not only unimpaired, but growing, under the wasting hand of time. All the energies of the country were awakened. England never preserved a firmer countenance, or a more vigorous arm, to all her enemies, and to all her rivals. Europe under her respired and revived. Every where she appeared as the protector, assertor, or avenger of liberty. A war was made and supported against fortune itself. The treaty of Ryswick, which first limited the power of France, was soon after made: the grand alliance very shortly followed, which shook to the foundations the dreadful power which menaced the independence of mankind. The states of Europe lay happy under the shade of a great and free monarchy, which knew how to be great without endangering its own peace at home, or the internal or external peace of any of its neighbours.

Mr. Burke said he should have felt very unpleasantly if he had not delivered these sentiments. He was near the end of his natural, probably still nearer the end of his political career; that he was weak and weary; and wished for rest. That he was little disposed to controversies, or what is called a detailed opposition. That at his time of life, if he could not do something by some sort of weight of opinion, natural or acquired, it was useless and indecorous to attempt any thing by mere struggle. *Turpe senex miles*. That he had for that reason little attended the army business, or that of the revenue, or almost any other matter of detail for some years past. That he had, however, his task. He was far from condemning such opposition; on the contrary, he most highly applauded it,

where a just occasion existed for it, and gentlemen had vigour and capacity to pursue it. Where a great occasion occurred, he was, and while he continued in parliament, would be amongst the most active and the most earnest, as he hoped he had shewn on a late event. With respect to the constitution itself, he wished few alterations in it. Happy if he left it not the worse for any share he had taken in its service.

As soon as Mr. Burke had concluded, Mr. Fox got up and declared, that he rose with a concern of mind which it was almost impossible to describe, at perceiving himself driven to the hard necessity of making at least a short answer to the latter part of a speech, to which he had listened with the greatest attention, and which, some observations and arguments excepted, he admired as one of the wisest and most brilliant flights of oratory ever delivered in that House. There were parts of it, however, which he wished had either been omitted, or deferred to some other and more fit occasion. His right honourable friend, in alluding to him, had mixed his remarks with so much personal kindness towards him, that he felt himself under a difficulty in making any return, lest the House should doubt his sincerity, and consider what he might say as a mere discharge of a debt of compliments. He must, however, declare, that such was his sense of the judgment of his right honourable friend, such his knowledge of his principles, such the value which he set upon them, and such the estimation in which he held his friendship, that if he were to put all the political information which he had learnt from books, all which he had gained from science, and all which any knowledge of the world and its affairs had taught him, into one scale, and the improvement which he had derived from his right honourable friend's instruction and conversation were placed in the other, he should be at a loss to decide to which to give the preference. He had learnt more from his right honourable friend than from all the men with whom he had ever conversed. — His right honourable friend had grounded all that he had said on that part of a speech made by him on a former day, when he wished that his right honourable friend had been present, in which he had stated, that if ever he could look at a standing army with less constitutional jealousy than before,

it was now; since, during the late transactions in France, the army had manifested, that on becoming soldiers they did not cease to continue citizens, and would not act as the mere instruments of a despot. That opinion he still maintained. But, did such a declaration warrant the idea, that he was a friend to democracy? He declared himself equally the enemy of all absolute forms of government, whether an absolute monarchy, an absolute aristocracy, or an absolute democracy. He was adverse to all extremes, and a friend only to a mixed government, like our own, in which, if the aristocracy, or indeed either of the three branches of the constitution, were destroyed, the good effect of the whole, and the happiness derived under it, would, in his mind, be at an end. When he described himself as exulting over the success of some of the late attempts in France, he certainly meant to pay a just tribute of applause to those who, feelingly alive to a sense of the oppressions under which their countrymen had groaned, disobeyed the despotic commands of their leaders, and gallantly espoused the cause of their fellow-citizens, in a struggle for the acquisition of that liberty, the sweets of which we all enjoyed.— He begged, however, not to be misunderstood in his ideas of liberty. True liberty could only exist amidst the union and co-operation of the different powers which composed the legislative and the executive government. Never should he lend himself to support any cabal or scheme, formed in order to introduce any dangerous innovation into our excellent constitution; he would not, however, run the length of declaring, that he was an enemy to every species of innovation. That constitution, which we all revered, owed its perfection to innovation; for, however admirable the theory, experience was the true test of its order and beauty. His right honourable friend might rest assured, that they could never differ in principles, however they might differ in their application. In the application of their principles, they more than once had experienced the misfortune of differing, particularly in regard to the representation of the people in parliament, and they might occasionally continue to differ in regard to other points, which depended rather on the application of their principles, than on their principles themselves. The scenes of bloodshed and cruelty which had been acted in France no man could have heard of without lamenting; but still, when the severe tyranny under which the people had

so long groaned was considered, the excesses which they committed, in their endeavour to shake off the yoke of despotism, might, he thought, be spoken off with some degree of compassion; and he was persuaded that, unsettled as their present state appeared, it was preferable to their former condition, and that ultimately it would be for the advantage of this country that France had regained her freedom.

Mr. BURKE said, that he could, without the least flattery or exaggeration, assure his right honourable friend, that the separation of a limb from his body could scarcely give him more pain, than the circumstance of differing from him, violently and publicly, in opinion. It was not even in his idea to insinuate that his right honourable friend would lend his aid to any plan concerted for the support of dangerous and unconstitutional procedures. He knew the contrary. His motive for the remarks which he had made, was to warn those who did not possess the brilliant talents and illumined penetration of his right honourable friend, whose moderation was one of the leading features of his political character, from entertaining sentiments which he conceived to be adverse to good government. He was exceedingly glad, however, that he had delivered himself so plainly in his former speech, since what he had said had drawn from his right honourable friend an explanation not more satisfactory to his mind, than he was persuaded it was to the House, and all who had heard it. With regard to innovation, he was the last man living who was an enemy to reform. Indeed, he must be regarded as a fool, if he, who had himself been a known proposer of reforms of various descriptions, should now stand up as an enemy of every reform. What he was anxious to protect and preserve, were the grounds of the constitution itself, which ought ever to be kept sacred. Of clubs and associations he had, in general, disapproved; and he should always resist, to the utmost of his power and ability, any attempt to destroy or enfeeble the first principles of our unrivalled form of government, in the defence of which, were it to

become necessary, the last drop of his blood should be expended. Having recurred to the example of the conduct of France, during a time of peace, and contended that, as was the case in the reign of Lewis the Fourteenth, it had frequently proved more dangerous to this country than a state of open war, Mr. Burke, in conclusion, became again the warm panegyrist of Mr. Fox, and repeated and reinforced the doctrine which he had maintained upon the subject of the Revolution.

Mr. Sheridan said, that the very reasons which Mr. Burke had given for expressing the sentiment which he had that day uttered, namely, an apprehension of being supposed to acquiesce in the opinions of those for whom he entertained the highest regard, and with whom he had uniformly acted, operated also on his mind, and made him feel it a duty to declare, that he differed decidedly from that right honourable gentleman in almost every word that he had uttered respecting the French Revolution. Mr. Sheridan added some warm compliments to Mr. Burke's general principles; but said that he could not conceive how it was possible for a person of such principles, or for any man who valued our own constitution, and revered the Revolution that obtained it for us, to unite with such feelings an indignant and unqualified abhorrence of all the proceedings of the patriotic party in France. He conceived theirs to be as just a revolution as ours, proceeding upon as sound a principle and a greater provocation, and vehemently defended the general views and conduct of the National Assembly. He joined with Mr. Burke in abhorring the cruelties that had been committed; but what, he said, was the awful lesson that was to be gathered from the outrages of the populace? What, but an abhorrence of that accursed system of despotic government, which sets an example of depravity to the slaves it rules over; and if a day of power comes to the wretched populace, is it to be wondered at, however it is to be regretted, that they act without any of those feelings of justice or humanity which the principles and practice of their governors had stripped them of? Mr. Sheridan went into several other topics respecting the French Revolution, and charged Mr. Burke with being an advocate for despotism, and with having spoken of the National Assembly of France with an unwarrantable liberty of speech.

Mr. BURKE said, that he most sincerely lamented over the inevitable necessity of now publicly declaring, that henceforth, his honourable friend and he *were separated in politics*; yet, even in the very moment of separation, he expected that his honourable friend, — for so he had been in the habit of calling him, — would have treated him with some degree of kindness; or at least, if he had not, for the sake of a long and amicable connection, heard him with some partiality, that he would have done him the justice of representing his arguments fairly. On the contrary, he had, as cruelly as unexpectedly, misrepresented the nature of his remarks. The honourable gentleman had thought proper to charge him with being the advocate of despotism, though, in the beginning of his former speech, he had expressly reprobated every measure that carried with it even the slightest appearance of despotism. All who knew him could not, without the most unmerited violation of natural justice, but acknowledge that he was the professed enemy of despotism in every shape, whether, as he had before observed, it appeared as the splendid tyranny of Lewis the Fourteenth, or the outrageous democracy of the present government of France, which levelled all distinctions in society. The honourable gentleman also had charged him with having libelled the National Assembly, and stigmatised them as a bloody, cruel, and ferocious democracy. He appealed to the House, whether he had uttered one single syllable concerning the National Assembly, which could justify such a construction as the honourable gentleman had put upon his words. He felt himself warranted in positively repelling the imputation; because the whole tenor of his life, he hoped, had proved that he was a sincere and firm friend to freedom; and, under that description, he was concerned to find that there were persons in this country, who entertained theories of government, incompatible with the safety of the state, and who were, perhaps, ready to transfer a part, at least, of that anarchy which prevailed in France, to this kingdom, for the purpose of effectuating their designs. Yet, if the

honourable gentleman considered him as guilty, why did he not attack him as the foe of his country? As to the charge of abusing the National Assembly, it might seem almost sufficient to answer, What is the National Assembly to us? But, he declared that he had not libelled the National Assembly of France, whom he considered very little in the discussion of these matters; that he thought all the substantial power resided in the republic of Paris, whose authority guided, or whose example was followed by all the republics of France. The republic of Paris had an army under their orders, and not under those of the National Assembly. The honourable gentleman had asked, from whence the people of France were to expect a better constitution? whether from Marshal Broglio, at the head of his army; or were they to look for it amidst the dungeons of the Bastile? Was that a fair and candid mode of treating his argument, or was it what he ought to have expected in the moment of departed friendship? On the contrary, was it not evident that the honourable gentleman had made a sacrifice of his friendship, for the sake of catching some momentary popularity? If the fact were such, however, even greatly as he should continue to admire the honourable gentleman's talents, he must tell him that his argument was chiefly an argument *ad invidiam*, and that all the applause for which he could hope from clubs, was scarcely worth the sacrifice which he had chosen to make for so insignificant an acquisition.

REPEAL OF THE TEST AND CORPORATION ACTS.

March 2.

THIS day Mr. Fox moved, "That the House will immediately resolve itself into a committee of the whole House, to consider of so much of the acts of the 15th and 25th of

Charles the Second as requires persons, before their admission into any office, civil or military, or any place of trust, under the crown, to receive the sacrament of the Lord's supper, according to the rites of the church of England." After the motion had been supported by Sir H. Hoghton and Mr. Beaufoy, and opposed by Mr. Pitt, Mr. Powys, and Mr. Yorke,

Mr. BURKE rose. He observed, that at two preceding periods, when the question had been agitated, he had absented himself from the House, not having brought his mind to any decision on the subject, and even yet he had not been able to satisfy himself altogether, though certainly in a much greater degree than before, when he could not lay hold of any one straight-forward principle for the better guidance of his judgment. He was now, however, from information lately received, ready to say why he could not vote for his right honourable friend's motion. In every discussion relative to religion, he was sorry to see the appearance of any thing like party spirit, because he thought such subjects ought not to be mingled nor contaminated with party, but argued on their own grounds solely. Every individual member, whatever his political sentiments may be, and however they may differ from those of other gentlemen, ought never once to suffer them to prejudice his judgment; neither did it become him to allude to them in argument. It had given him concern, therefore, to observe that the right honourable the chancellor of the exchequer had directed a personal sneer at his right honourable friend, who made the present motion, by invidiously putting the case, that if a man of his right honourable friend's bold and enterprising character were to come into power as a minister, and countenanced the dissenters, they might obtain a footing in places of great trust, and thus become capable of endangering the safety of the civil constitution of the state. The manner in which his right honourable friend had opened the question, and the many very weighty and sound arguments he had brought forward, in a manner so open and clear, might, he should have imagined, have rescued his right honourable friend from such

a sarcasm. He was, he owned, the more surprized, because there had been a minister who formerly enjoyed a seat in that House, and that very minister had held publicly in the House of Lords, and in the face of the bishops, a language respecting churchmen, and the doctrine and ritual of our established religion, ten times more broad and gross than any thing his right honourable friend had said of the high churchmen in former days. The minister to whom he alluded was a man of brilliant talents and acknowledged abilities; a minister who had directed the government of this country with great glory to its national character, and great safety to the constitution, both in church and state. The minister in question was the late Earl of Chatham. In the debate occasioned in the House of Lords by the second application, Dr. Drummond, the Archbishop of York, having called the dissenting ministers "men of close ambition," Lord Chatham said, "that this was judging uncharitably, and that whoever brought such a charge against them, defamed them." Here he paused, and then went on — "The dissenting ministers are represented as men of close ambition. They are so, my Lords; and their ambition is to keep close to the college of fishermen, not of cardinals, to the doctrine of inspired apostles, not to the degrees of interested and aspiring bishops. They contend for a spiritual creed, and spiritual worship. We have a Calvinistic creed, a popish liturgy, and an Arminian clergy."

Thus had the noble lord selected the worst names of other religions, and applied them to our church and liturgy. The Earl of Chatham was always regarded as the protector of the dissenters, and yet Mr. Burke said he had never heard that the safety of the church had been once thought in danger during his administration. At his death it was generally conceived that he had left the protection of the dissenters, with his mantle, to a noble earl in the other House. That noble earl (the Earl of Shelburne) had since been at the head of the government of this country, and the right honourable gentleman over the way had

been, at the same time, in administration, and no complaint had nevertheless been made when that administration ceased, that the church was left less safe by the noble earl. An intimate and worthy friend of his, the late Sir George Savile, had also been an avowed friend to the dissenters, and yet he verily believed that had Sir George Savile ever been first lord of the treasury, he would have thought it his duty to protect the established church, and save it from the least innovation; it was among a minister's first duties. The right honourable gentleman, therefore, had no ground whatever for imagining or suggesting, that if his right honourable friend were to be a minister, he being avowedly a friend to the dissenters, the safety of the church would become endangered.

His right honourable friend, Mr. Burke observed, had rejoiced that the lower house of convocation had not been convened; but Lazarus only sleepeth, he is not dead, was a fact which ought to be remembered. The lower house of convocation was not out of existence; it lay dormant, indeed, and in a state of dormancy, in his mind, it ought always to continue, unless when some real and great question, alarming to the safety of the church, rendered its meeting necessary. His right honourable friend had begun his speech with laying down the principles of toleration and of persecution: all persecution, civil or religious, was certainly horrible; but care ought to be taken that men did not, under colour of an abstract principle, deceive even themselves. Abstract principles, as his right honourable friend well knew, he disliked, and never could bear; he detested them when a boy, and he liked them no better now he had silver hairs. Abstract principles were what his clumsy apprehension could not grasp; he must have a principle embodied in some manner or other, and the conduct held upon it ascertained, before he could pretend to judge of its propriety and advantage in practice. But, of all abstract principles, abstract principles of natural right — which the dissenters rested on, as their strong hold — were the most idle, because the most useless and the most

dangerous to resort to. They superseded society, and broke asunder all those bonds which had formed the happiness of mankind for ages. He would venture to say, that if they were to go back abstractedly to original rights, there would be an end of all society. Abstract principles of natural right had been long since given up for the advantage of having, what was much better, society, which substituted wisdom and justice, in the room of original right. It annihilated all those natural rights, and drew to its mass all the component parts of which those rights were made up. It took in all the virtue of the virtuous, all the wisdom of the wise. It gave life, security, and action to every faculty of the soul, and secured the possession of every comfort which those proud and boasting natural rights impotently held out, but could not ascertain. It gave alms to the indigent, defence to the weak, instruction to the ignorant, employment to the industrious, consolation to those who wanted it, nurture to the helpless, support to the aged, faith to the doubtful, hope to those in despair, and charity to all the human race; extending itself from acts of tenderness to the infant when it first cried in the cradle, to acts of comfort and preparation to the dying man on his way to the tomb. Such were the advantages attributable to society, and also deducible from the church, which was the necessary creature and assistant of society in all its great and most beneficial purposes.

Mr. Burke professed his peculiar regard and reverence for the established church of this kingdom, and spoke of the necessity which existed to preserve it safe and entire at a time like the present, when he contended there was, not a false alarm calculated to answer some purpose of mischief and oppression meditated on the established church herself, but strong and warrantable grounds of serious apprehension for the church's safety. He did not clearly understand what his right honourable friend meant, but he believed him to concur with him, that men were not to be judged of merely by their opinions, but by the conduct which they held compared with their opinions. His rule ever had been to trace effects to their causes, and thus by

recurring to first principles, to judge, as his right honourable friend had well argued it, *à posteriori*, of the facts which followed. It was therefore, by the conduct of the dissenters that he judged of them, by their acts, their declarations, and their avowed intentions.

That he might not be charged with calumniating the dissenters, whom he had formerly espoused with the utmost zeal, when, with Sir George Savile, he had contended for their cause, in respect to the bill last passed in their favour some fourteen years ago, but whom he now accused of imprudent conduct, and of asserting doctrines which threatened imminent danger to the future safety and even the very being of the church, he would recur to facts, and produce such proofs of what he asserted, as should put the matter beyond a doubt, and establish, to the satisfaction of every man who heard him, that he had attended very sufficiently to the broad and clear distinction between the fears of a man alarmed on the reasonable conviction of the approach of real danger, and those kinds of terror which originated in mere cowardice and unmanly weakness, before he admitted the apprehension that filled his mind at present. Mr. Burke, after a definition of the three distinct points of view in which danger from any quarter to the church was to be considered, as to its nearness, its imminence, and the degree of mischief to be dreaded from it, proceeded to establish facts, which would, he said, prove the extent of each of the three divisions into which he had resolved the consideration. His first great proof was the production of two printed catechisms circulated by the dissenters for the use of young non-conformists, written by Mr. Robinson and Mr. Palmer. The first catechism, he observed, contained no precept of religion whatsoever. It consisted of one continued invective against kings and bishops, in which every thing was misrepresented and placed in the worst light. In short, it was a catechism of misanthropy, a catechism of anarchy, a catechism of confusion — grossly libelling the national establishment in every part and passage; and these catechisms were to be put into the hands of dissenters' children, who were thus to be

that the church and the pulpit ought to be kept pure and undefiled, and that politics should not be adverted to in either. With equal propriety might theological discussions be taken up in that House, and questions solely religious be debated there.

From the proofs he had adduced, consisting of the extract from Dr. Price's sermon, the letter of Dr. Priestley, the avowed language of that divine relative to religious establishments in general, the catechisms of Mr. Robinson and Mr. Palmer, and the letter of Mr. Fletcher, Mr. Burke drew this inference — that the leading preachers among the dissenters were avowed enemies to the church of England; that they acknowledged their intentions, and that thence our establishment appeared to be in much more serious danger than the church of France was in a year or two ago. Mr. Burke reminded the House, that nothing could have been, to all appearance, more safe and secure, than the hierarchy of France, at a very short period since; every thing, therefore, that fell short of the present danger of the church of England, ought to be regarded as a symptom of serious apprehension, and to challenge new caution and additional care. He could not admit that his right honourable friend had, with any sort of justice, ascribed the fatal incidents that had attended the church of France, plundered and demolished in so disgraceful a manner, to the punishment which Providence, in its wisdom, had allotted for the wickedness and cruelty of the French government evinced in the revocation of the edict of Nantz. Such an idea was chimerical and profane. Was it consistent with the justice of Providence to punish Louis XVI. for the crime of Louis XIV.? As well might it be argued, that the danger which now threatened the church of England was a punishment inflicted by the hand of Providence on this country for the persecutions of Laud, Wickliffe, and all the horrid cruelties, burnings, and murders, perpetrated under pretence of religious zeal in distant periods of our history. The right honourable the chancellor of the exchequer had shewn the most laud-

able attention to the preservation of our religious establishment. It was peculiarly the duty of any member of that House, standing in the right honourable gentleman's situation, to guard with anxious care an object so intimately connected with the state as the church of this country, and the right honourable gentleman had discharged this duty with great zeal and with great ability. That House also had the same duty imposed on them; they were equally bound to watch over the church with due and constant attention, and this appeared to be a moment peculiarly requiring their interference.

Had the question been brought forward ten years ago, Mr. Burke said, he should have voted for the repeal. At present, in his opinion, a variety of circumstances made it appear imprudent to meddle with it. For the dissenters, as a body, he entertained great esteem. There were among them many worthy and most respectable individuals. If they would come fairly forward, and let their actual desire and meaning be ascertained, he would meet them. He, for one, should be glad to sift their object, and if it were such as a rational legislature could safely grant, he, at least, should have no objection. With several dissenters he had long lived in the greatest intimacy and happiness. Indeed, they were among those of his friends whom he valued most highly; but, if the Test and Corporation Acts were now repealed, some other test ought to be substituted; the present he had always thought a bad and an insufficient test for the end which it was meant to accomplish. He was convinced that it was an abuse of the sacramental rite; and the sacramental rite was too solemn an act for prostitution. Where conscience really existed, it ought not to be wounded. By wounding a man's conscience, they annihilated the God within him — if he might be allowed so to express it — and violated him in his sanctuary. He professed himself ready to grant relief from oppression to all men, but unwilling to grant power; because power once possessed was generally abused. He declared that he had

a draft of another test in his pocket *, and he had formed an idea of moving the previous question, with a view afterwards to move for a committee to examine into the conduct of the dissenters, the doctrines respecting the established church which they had recently avowed, and all that part of their conduct, to which he had adverted, as matter of established fact, and not of vague or wild assertion. He was desirous of proceeding regularly, and with a due regard to parliamentary forms. He did not wish the House to rely on his facts, before he had established them by proof, of which he knew them to be capable. If, however, they should, upon investigation, not appear to be founded, he would hold himself bound to vote for the repeal of the Test and Corporation Acts.

Mr. Burke said, he would be entirely guided by the House; if they should think the best way of laying the question at rest, would be by coming to a vote upon the motion, he would submit. But if the House should be of opinion, that it would be better to move the previous ques-

* The following is a copy of the Test which Mr. Burke wished to have substituted in the room of what was intended to be repealed :

" I *A. B.* do, in the presence of God, sincerely profess and believe that a religious establishment in this state is not contrary to the law of God, or disagreeable to the law of nature or to the true principles of the Christian religion, or that it is noxious to the community; and I do sincerely promise and engage, before God, that I never will, by any conspiracy, contrivance, or political device whatever, attempt or abet others in any attempt to subvert the constitution of the church of England, as the same is now by law established, and that I will not employ any power or influence, which I may derive from any office corporate, or any other office, which I hold, or shall hold, under his majesty, his heirs and successors, to destroy and subvert the same; or to cause members to be elected into any corporation, or into parliament, give my vote in the election of any member or members of parliament, or into any office, for or on account of their attachment to any other, or different religious opinions or establishments, or with any hope that they may promote the same to the prejudice of the established church, but will dutifully and peaceably content myself with my private liberty of conscience, as the same is allowed by law.

" So help me God."

tion on the present motion, and institute a committee in order to afford the dissenters an opportunity of refuting what he had asserted, (which, he owned, he himself thought the most eligible mode of proceeding,) he would pursue that line of conduct. Mr. Burke, to provoke the caution of the House, instanced Lord George Gordon's mob, in the year 1780, and the dangers which were then likely to have ensued under a blind idea that they were acting in support of the established religion, when they were endeavouring to enforce the most intolerant persecution, and had nearly levelled the constitution in church and state.

The House divided on Mr. Fox's motion: Yeas 105: Noes 294. So it passed in the negative.



MR. FLOOD'S MOTION FOR A REFORM IN PARLIAMENT.

March 4.

THIS day Mr. Flood made his motion for leave to bring in a bill to amend the representation of the people in parliament. To supply the deficiency, both in the representative and constituent body, Mr. Flood proposed, that one hundred members should be added, and that they should be elected by the resident householders in every county. Upon this occasion,

Mr. BURKE, after observing, that the right honourable gentleman was most undoubtedly justified, on every account, in bringing forward the proposition he had that day submitted to the consideration of the House, proceeded to notice some parts of his speech concerning France, and his appeal to the justice of men's feelings, respecting his newly-intended electors especially. The right honourable gentleman had asked, who dared tell the middle ranks of

life, that they ought not to enjoy that peculiar privilege, the exercise of the rights of electors? He would inform him; the laws of the country dared tell them so; the usage of their ancestors dared tell them so; the uniform practice of parliamentary election tells them so; and who shall dare to refuse to submit to such authorities? Mr. Burke next adverted to the American war, and denied that it would have been put an end to sooner, had the state of the representation of the people in parliament been more perfect. In order to prove that in the ancient republics, and in such governments as were completely and purely popular, the people held the power entirely in their own hands, he cited the examples of Athens, Greece, and Rome, where each man represented himself. They were for ever involved in wars which were ruinous; sometimes to their adversaries, sometimes to themselves, and always to the cause of humanity. The American war, therefore, was no instance in point. It was originally the war of the people, and had been put a stop to, not by them, but by the virtue of a British House of Commons, who, without any petitions from the people, without their interference, and almost without their consent, had the magnanimity to take upon themselves to put an end to it. With regard to corruption, they certainly were corrupt; for what body was free from corruption? It was inseparable from the nature of such an assembly; but it was evident that no corruption that could be applied to them, was equal to a victory over the virtue of that House of Commons which put an end to the American war, and which House of Commons was afterwards foully calumniated and treacherously dissolved, by way of reward for its eminent services to the country. Mr. Burke compared the possible corruption practised within those walls with the deluge of corruption practised by the people themselves, and now about to be let loose without doors. He said, he could not sit still, and hear it asserted, that the present House of Commons did not represent the people.

SALARY OF THE SPEAKER OF THE HOUSE OF COMMONS.

March 10.

THIS day Mr. Montague moved, " That this House will, on Monday next, resolve itself into a committee of the whole House, to consider of an allowance to be made to the Speaker of the House of Commons for the time being, more adequate to the dignity of the said office, and to the expence necessarily attending the same." The motion being seconded by Mr. Maraham, and Mr. Pitt having signified his majesty's consent, Mr. Hussey rose to express his disapprobation of the measure, as tending to increase the influence of the crown, by annexing so large a salary to an office undeniably in the disposal of its ministers. He was of opinion that it would add nothing to the independence of their Speaker. Those who had formerly held offices under the crown had not been complained of; and, he had no doubt, but that the worthy gentleman who now filled, and those who should be called to the chair, would be equally independent with or without a place.

Mr. BURKE said, that as an honourable gentleman, whose known purity of mind, and whose conduct, as one of the most upright, able, and industrious members of that House, rendered every objection made by him to any measure that was proposed, a matter well worthy of their most serious consideration, had mentioned the resolution voted by that House some years ago, " that the influence of the crown had increased, was increasing, and ought to be diminished," it was impossible for him to hear that resolution alluded to, and sit silent. He was well known not only to have taken a part in laying down the principle stated in the resolution in question, but to have acted upon it in more than one instance. He begged leave to remind his honourable friend, however, that the principle was not a moving, a successive principle, coeval with the constitution; it was not a truth immutable and perpetual like an

article of our religious creed, but though indisputable at the time the principle was laid down, capable of change as circumstances altered. He would venture to say, that the resolution did not apply at present in any thing like the proportion that it had applied at the time it was voted: if it did, the House had lost much time and wasted considerable pains since, in endeavouring to act upon the principle and meet it, on a variety of occasions. For his own part, he should vote in favour of the motion, for reasons directly opposite to those stated by the respectable member who opposed it. He should vote for it, because he considered it as an antidote against the influence of the crown, and as a motion, by admitting which, the House would follow up their own principle, and, in an essential instance, diminish the influence of the crown. For, what was the object of the motion, but for the House to take the provision for their first officer into their own hands, and to prevent him from remaining longer subject to the influence of the crown? The struggle, therefore, lay between the influence of the crown and the influence of the House of Commons; and would any member hesitate a moment on such a question, in favour of which part he should decide? With regard to laying an additional burden on the people, and giving 5000*l.* a year out of the taxes paid by them, where was the difference, in the end, to the people, whether they paid the money immediately, or paid it indirectly, through the medium of the crown? It was well worth their while, at any price, to lay out their money to purchase the independence of the Speaker of that House; and so strongly did he feel this, that he could not but wish that the House would assert its own independency, relieve the civil list from the sum paid to the Speaker out of that fund, and take the whole of the Speaker's salary upon themselves. So far from being a burden to the people, it would, in all probability, prove the means of preserving them from burdens in future. With regard to the amount of the sum proposed, his own opinion was, that 5000*l.* a year was not sufficient for the purpose. They had a com-

mon interest in maintaining the dignity of their Speaker, and what might at one time be adequate to the expence, they all well knew would not be adequate at another. The same nominal income, which at one period had been an ample allowance, at another would prove by no means sufficient to answer the same purposes. There was an evident necessity, therefore, for an increase of the Speaker's income. The people, he was persuaded, would readily grant it. The only unequivocal proof of a people's love of their government, was their consent to pay their money for its support, and to decorate it with every symbol of exterior grandeur. The people had spoken by their proper voice, their purse, on more than one occasion for this purpose. He was satisfied that they would readily open that purse, and unlock their pockets, in the present instance, where the object to be gained would be entirely their own. With regard to the conduct of the present Speaker, Mr. Burke declared, that what had been said by other gentlemen rendered it the less necessary for him to enlarge upon the subject; as far as he had witnessed, the respectable gentleman (Mr. Addington) who now filled the chair, had acted with so much impartiality, attention, and diligence, that he had not only answered the expectations of his own friends, but so far satisfied the House in general, as to attach the good opinion of those who had voted for another person to fill the office. He had been one of those who had voted for another Speaker to fill the office*, and if the occasion were to present itself again, he should do the same; because he conceived it to be no disgrace to any man, however distinguished his talents, and however respectable his character, for another to have a preference in his own mind for a particular friend. Certainly, no salary, however large, which the House might vote for their Speaker, would preclude the possibility of his being ultimately honoured with a peerage, because that House could

* See page 442. of the present volume.

not deprive their Speaker of any of those honours, which the prerogative of the crown had a right to bestow either upon their Speaker or any other commoner.

The motion was agreed to, and in the committee which sat on the 15th, Mr. Montague moved, " That it is the opinion of this committee, that, for more effectually supporting the dignity of the Speaker of the House of Commons of Great Britain, the lords commissioners of his majesty's treasury be directed to issue from the exchequer such sum as, together with the salary of the said office of 5*l.* per day, and the fees thereof upon private bills, will make the whole 5000*l.*" A motion being made by Sir James Johnstone, that instead of 5000*l.* should be inserted 6000*l.* the same was carried by a majority of 154 to 28.

ATHOL CLAIM.

April 26.

ON the 19th of March, in consequence of a petition presented to the House by the Duke of Athol, a bill was brought in by General Murray, for appointing commissioners to inquire into the extent and value of certain rights, revenues, and possessions, in the Isle of Man. On the 26th of April, upon the motion for going into a committee on the bill,

Mr. BURKE remarked, that the honourable gentleman who brought in the bill had taken great pains to prove that this was not a job. It was difficult to say whether it was or was not; but perhaps a definition of a job might somewhat help them to judge: a job, generally speaking, he took to be a pecuniary application for a private purpose, under a pretext of public advantage. Certainly definitions were dangerous, and legal definitions most dangerous of all. He could not decide upon men's intentions; he could only speak of the outward and visible signs, and by those guess

at the inward spirit. If, however, it was a naked and undisguised job, a direct application for a sum of money for the noble duke, he had much rather give his vote for it, than for a measure coming in that concealed and guarded form, the outworks of which were fraught with danger, and shook a hundred principles of law, every one of which ought to be held inviolably sacred. On the present occasion, the House had listened — not, he believed, without the utmost astonishment — to claims from the noble duke, perfectly novel to their ears, and never before noticed in the treaty with government; and these were, the crown, the sceptre, the globe, and all the apparatus of royal dignity. That House, therefore, ought to remember that they had a sovereign to deal with, and they ought to treat him with due respect, since even the lordly pride of the Highland chieftain sunk, and became little in comparison with royalty. The noble duke, proud of his sovereign claims, was ready to throw the 70,000 British guineas in our faces, and say, “Take your dirty money back, and give me my crown again; my regal dignity is beyond all price.” Mr. Burke observed, that if the present proposition were to be received, it would become difficult to determine whether the next noble duke might not present himself before that House, and say to them, “The pecuniary compensation which you gave my predecessor may do for the revenue, but not for the dignity; I will never allow you to keep back my crown and sceptre, for which no money can compensate.” There was a *pretium affectionis* which defied estimation, and therefore to attempt to bid up to it was downright madness. Mr. Burke argued against suffering parties to come to that House, after exchanges had been fairly made, and complain of their situation. Suppose the public were to say, “We have given you 70,000*l.* in sterling money for your empty pageantry. Take back your mimic crown, your mock sceptre, and your painted globe, and return us the sterling money;” would not every man shudder at such a monstrous act of injustice? The right honourable gentleman had said, “It is your faith I de-

mand, you have not fulfilled your bargain, your honour is bankrupt; shew me the positive engagement." But such reasoning in a case like that of the noble duke was absurd and preposterous in a degree. Mr. Burke next combated that part of Mr. Dundas's argument upon the act of 1765, denying that the House by the reservation of rights had engaged itself to preserve them. He laid a stress on the distinction between the meaning of the words "reserve" and "preserve," and enlarged on the idea which appeared to be entertained by the Duke of Athol, that the inhabitants were, one and all, to be debarred from having any game, as the noble duke, from his manerial rights, claimed all the grouse and partridges on the island for his own table. In one construction, the game laws were the most odious part of our own statutory code; but there were certain considerations annexed to them, such as the liking of their country which they created in gentlemen's minds, and other circumstances which softened down their asperity, and reconciled him, and those who gave themselves time to reflect upon the subject, to their being adhered to and enforced. Mr. Burke answered that part of Mr. Dundas's speech, in which he had assigned as a reason why the Duke of Athol's manerial rights were not so well protected as before he parted with the sovereignty of the island, when he was king of Man, and the judges and the magistrates were appointed by him, by asserting, that the noble duke had declared that he could not recover his claims, because he had not the right of nominating the judges. No man should be a judge in his own cause. The noble duke forgot that he had sold his kingdom, when he inferred that his majesty's judges were not proper authorities to try his claims. Mr. Burke enlarged on this idea, and at length mentioned the situation of the inhabitants of the Isle of Man, who had been lately emancipated from the feudal laws. After recommending the House to examine and see if there was a remnant of feudality in the island, and to reflect upon the hardships of again introducing it, and subjecting the Mankamen, after so many years liberty and

freedom, to the yoke of oppression and tyranny, the noble duke, Mr. Burke affirmed, he well knew was too mild and too generous to act harshly by any persons under him; but a man could not be mild and generous by deputy, and he wished not to have any man's happiness dependent upon the humanity of others. They would surrender more than the three legs of Man were worth, if they let loose the noble duke's steward on the unfortunate inhabitants of the island. Mr. Burke resisted the idea, that when the bargain was made in 1765, there remained any unforeseen and undefined rights; and said, that if the House thought the late duke was a fool, and an advantage had been taken of his weakness, they paid no compliment to the honour and justice of the English parliament.

The House divided on the motion, that the Speaker do leave the chair: Yeas 90: Noes 85; but on the 4th of May the further consideration of the bill was put off for three months.

THE KING'S MESSAGE RELATIVE TO THE CAPTURE OF VESSELS AT NOUTKA SOUND.

May 6.

ON the 5th of May, Mr. Pitt delivered to the House a message from his majesty, in which he informed them of the violence that had been committed upon two vessels belonging to his majesty's subjects, on the north-western coast of America, by an officer commanding two Spanish ships of war: of his applications to the court of Spain for satisfaction: of its claims to an exclusive right of navigation in those seas, and its hostile preparations: and of his majesty's determination to support the honour of his crown, and the rights and interests of his people. On the following day the message was taken into consideration, when Mr. Pitt opened the business to the House, and concluded by moving an address to his majesty in the usual form.

magnanimity the most clearly, by adopting moderation in proportion to its power. He wished all nations to be as much at peace as possible, because he thought that the balance of power in Europe required, that no one state should have an unequal and an inordinate superiority. Besides, what had we to contend for? Extent of dominion would do us no good; on the contrary, if all the territories of Spain abroad were thrown into the scale of England, he did not think it an object for a wise man to desire. The effect would prove to us, what it was at this moment to Spain; we should be the weaker for our accumulation of distant dominion.

RESOLUTIONS RESPECTING MR. HASTINGS'S TRIAL.

May 11.

MR. BURKE rose. He said that he flattered himself that he might, without vanity, presume to press upon the recollection of the House, the circumstance of his having been employed, for the last ten years of his life, in diligently inquiring into the affairs of India, the House having, in its wisdom—and wise indeed was the procedure—taken the proper means to know whether any disorders existed, and whether any offences had been committed. After much investigation, the House had thought proper to adopt two modes of remedying those disorders in future, the one by applying regulations for the prevention of farther grievances, the other by instituting prosecutions for offences by a penal law. How far these modes had proved successful was not yet ascertained, though he should hope that they had succeeded, in the first instance, and he trusted that they would in the other, when, by their perseverance and patience, they should obtain judgment

against the great delinquent under prosecution before the House of Lords. That the prosecution was a proper one, the House had resolved. Whether they were to avail themselves of the necessary means of rendering it effectual, or whether the opinion formed by them was to be ratified in another court of justice, was not a question to be decided there. It was in vain to talk of the necessity of bringing a delinquent to public justice unless the proper means were given to do it with effect. We were going to war with one of the greatest monarchs in Europe. Were we not, then, to conduct the war of the virtue of the country against its vices, to punish the pirates and delinquents, and were we not to be engaged in a war with an individual who was one of the greatest of those delinquents, if he was a delinquent at all? Mr. Burke observed, that he had the testimony of one of the best and least questionable witnesses to prove the fact of gross mismanagement in our former government in India. He then referred to Lord Cornwallis's letter, dated March 12. 1789, and read those passages in which his Lordship states his opinion of the prospect which he expected to arise in consequence of the principal landholders and traders being restored to the power of supporting their families with decency. It was Lord Cornwallis who drew this picture, and by the word restored, he must have alluded to the former government, to that of Warren Hastings. Mr. Burke added, that they had, that forenoon, been in the Hall for the sixty-third day, and reckoning three hours each day, they had spent one hundred and eighty-nine hours there, which was nine hours longer than a committee was allowed to sit in that House. In that time the House might well exclaim, that substantial justice ought to have been obtained. There were, it was to be remembered, three parties in the cause, the first was Mr. Hastings, the next the public, and the last the managers themselves. The grievances sustained by each, in consequence of the trial, were to be considered and relieved; but first of all, those of Mr. Hastings; and let them see what had been the conduct of that gentleman. On the 9th

of February 1789, Mr. Hastings presented a petition to the House of Lords, and had first complained, that his trial had lasted a year, which, with regard to the period from its commencement, was true, but not true in the light of a trial going on *de die in diem*, for a twelvemonth. Mr. Hastings had next complained, that several noble lords, his judges, had left this world in the course of nature. That was a circumstance which the managers could not help, nor had he ever before heard that it was among the privileges of peers of parliament to escape paying the debt of nature. But neither the managers nor that House had the power of preventing their death, much as they must regret that the noble lords should die. Mr. Hastings next talked of his witnesses having gone to India. If he had let them go there, it was his own fault; the managers could not help it; and all he could observe was, that the trial must take its course, and nature must take her's likewise. His own health, Mr. Hastings had next said, which a long residence in India had injured, required the benefit of foreign air, which the trial deprived him of the opportunity of taking. The fact Mr. Burke denied; nothing could hinder him from enjoying foreign air, if he would settle with his bail for that purpose. Again, Mr. Hastings complained, that he was taken out of his rank in life, and deprived of those enjoyments which other men might command. He could not believe it. They saw him at balls, at operas, at plays, and at assemblies. [A cry of Oh!] Mr. Burke said, he would re-assert the fact, in spite of that Oh, which, he was persuaded, was not the Oh of sensibility. Besides, when Mr. Hastings declared that he suffered hardships, was it not competent to the managers for the Commons of England to prove the contrary, and that he enjoyed all the comforts of life, and shared in its rational pleasures? Long might he enjoy them! He did not regret his enjoying them, he had only asserted that Mr. Hastings did enjoy them. And he believed, if the ease of the life of Mr. Hastings were compared with the labour of his (Mr. Burke's), it would be seen which of the two was the best entitled to

complain. He wished, therefore, that gentlemen who complained of the hardships which Mr. Hastings endured, would justify what they said on the subject, on their legs, that he might have an opportunity of answering them. A man, upon his trial, undoubtedly could not be quite at his ease; it was inseparable from the nature of the case. But Mr. Hastings complained of the mode of trial being so expensive, and his fortune so small. Mr. Burke here referred to Mr. Hastings's petition, a copy of which he held in his hand, and affirmed, that if it were true that the House deprived Mr. Hastings of the means of his existence by their mode of conducting the trial, they were violating justice. But let them see how the fact stood. It had been stated that Mr. Hastings's fortune was under 50,000*l.* that 30,000*l.* was spent during the first session in getting the records copied, and that 20,000*l.* more was probably spent during the course of the next session. If so, Mr. Hastings could not have bread. The context seemed to say, that the materials cost him 50,000*l.* What, then, must the superstructure cost him? Mr. Hastings had told a noble lord, who was stunned at the assertion, that he might judge of his expences by the single fact, that copying papers at the India-house alone had cost him 3,000*l.* Mr. Burke declared that he had been there, and desired the proper person to tell him what it cost Mr. Hastings at the India-house; when he was told, not one farthing; for every thing was copied gratis, though he could not say but that some little civility might have been offered to the clerks. Mr. Burke said, that Mr. Hastings gained neither credit nor compassion by stating what was not true. The managers were ready to enter into every particular asserted by Mr. Hastings in his petition, and would undertake to disprove the allegations. But whether what he had alleged was true or false, Mr. Hastings was entitled to justice, and ought not to be kept one moment longer in suspense than was unavoidably necessary. He should have thought that Mr. Hastings, who stated all the grievances and hardships alleged in his petition, would have

been glad if they had given him the opportunity to clear away any imputation, and to have refuted any one charge; but that he rejected, and therefore the assertion that he had used every rational mode of shortening the proceeding, was not true. Whatever was the hardship which Mr. Hastings suffered, Mr. Burke contended that it was his own, and not imposed on him by the managers. There were three ways of a man getting off from a trial; the first, by an honourable acquittal; the second, by an acquittal; and the third, by an escape effected by procrastination. It was evidently the aim of Mr. Hastings to attempt to escape by procrastination, and thus, in the end, baffle the House of Lords. However the managers of the prosecution might fail in knowledge of the law, or in dexterity, no man, he believed, would say that they were deficient in zeal or in exertion. They had throughout been solely actuated by a desire of obtaining public justice, and they wished to put some speedy end to a prosecution, which had already lasted longer than the longest election committee. By the conduct of the defendant, it was clear that he wished to gain time. This was evident, from every paper that was read being insisted on being read at full length, and by other symptoms. So that Mr. Hastings appeared like a fox, who, when hunted and pursued, endeavours to elude his hounds, and try which has the longest wind. Mr. Hastings seemed to think, that the House, tired and sickened of the business, would abandon it altogether: he would submit to the House, however, whether it would become their dignity to act in that manner, and whether they ought not to shew that they had the power to carry on a prosecution effectually, after they had once thought it a debt due to justice that it should be instituted; he submitted it also to the consideration of the House, whether the best means to prevent the chicane so obviously practised, would not be to let the party positively discover that he had no hopes for an escape, and that the House would not be satisfied till justice was obtained. To effect this, the House had first to put the prosecution within a manageable compass,

and next by a resolution to declare that they would not be baffled. Mr. Burke mentioned that Lord Somers, Lord Halifax, and some of our best men, had been impeached, and he stated the nature of the proceedings upon these occasions. He mentioned also the authority given to the managers of the impeachment of Lord Macclesfield, and on this he had chiefly grounded one of his motions. Mr. Burke now moved his two resolutions, as follow;

“ 1. That this House, taking into consideration the interruptions occasioned by the occupations of the Judges and the House of Lords, as also the impediments which have occurred, or may occur, in the course of the trial of the impeachment of Warren Hastings, Esq. doth, without meaning to abandon the truth or importance of the charges, authorise the managers of their said impeachment, to insist only upon such and so many of the said charges as shall appear to them the most conducive to the obtaining speedy and effectual justice against the said Warren Hastings.”

“ 2. That the Commons of Great Britain in parliament assembled, from a regard to their own honour, and from the duty which they owe to all the Commons of Great Britain, in whose name, as well as in their own, they act in the public prosecutions by them carried on before the House of Lords, are bound to persevere in their impeachment against Warren Hastings, Esq. late Governor-general of Bengal, until judgment may be obtained upon the important articles in the same.”

The first resolution was agreed to without a division; the second, by a majority of 48 to 31.

COMPLAINT AGAINST MAJOR SCOTT FOR A LIBEL ON
THE MANAGERS OF THE IMPEACHMENT AGAINST
MR. HASTINGS.

May 27.

ON the 21st of May, General Burgoyne complained to the House of a libellous publication inserted in one of the morning papers with the signature of "John Scott," one of their members, grossly reflecting upon the conduct of the managers of the impeachment of Mr. Hastings, and upon the justice of that House. The letter was read by the clerk, and Major Scott being called to answer this complaint, avowed himself to be the author. The honourable major entered into a general justification of the letter, and declared, that if he had been guilty of an error, he had been drawn into it by great examples. He then mentioned a variety of publications by Mr. Burke, Mr. Sheridan, and General Burgoyne, which he considered to be stronger libels than he had ever written. The major having withdrawn, General Burgoyne moved, "That it is against the law and usage of parliament, and a high breach of the privilege of this House, to write or publish, or cause to be written or published, any scandalous or libellous reflection on the honour and justice of this House, in any of the impeachments or prosecutions in which it is engaged." Which being agreed to without a division, he next moved, "That it appears to this House, that the letter now delivered in and read is a scandalous and libellous paper, reflecting on the honour and justice of this House, and on the conduct of the managers appointed to conduct the impeachment now proceeding against Warren Hastings, Esq." Mr. Pitt submitted, that in a matter relative to their own privileges, the House ought to proceed with all possible caution, and moved, that the debate be adjourned to the 27th instant. The motion was agreed to, and on the day appointed, the debate being resumed, Major Scott was again heard in his place. The motion was first opposed by Mr. Wigley, who thought that the House, in its justice, ought not to proceed in a severe manner against the honourable member; who had already made the most satisfactory apology for

what he stood accused of. He then made a variety of observations on several pamphlets written by gentlemen on the side of opposition; and thought that the House as well as the honourable member accused, had a right to inquire into the nature of those pamphlets, and to proceed upon them in the same manner as they were doing in the present instance.

Mr. BURKE said, it was with equal indignation and astonishment he discovered that, instead of an apology, instead of an indication of repentance on the part of the honourable major, the House had been additionally insulted by an audacious avowal of the libel, and a direct re- crimination upon the members of the committee of managers. For his part — and he doubted not but he spoke the sentiment of the managers in general — he equally defied the honourable member, his friend, and his friend's friend, and all that they could effect. The argument of the honourable gentleman who spoke last, tended to cut up the privileges of the House by the roots, because, if every breach of privilege was to be prosecuted, it would do more harm than good. There was scarcely a man in that House who was not every day guilty of some breach of privilege or other, but the House shewed its wisdom and its prudence in passing over a great number of breaches of privilege, and noticing such only, as, from their nature, absolutely demanded the notice of the House. Did not every man know that in cases of assault, from the mere laying a finger on another, down to direct murder, each was equally an assault; but would any persons in their senses recommend the proceeding upon the Stoics principle, and equally punish every assault, the slightest as well as the most atrocious? In like manner, the present question was not what breaches of privilege had passed unnoticed, but whether a most atrocious libel on their honour and justice ought to escape the vengeance of that House. The libel in question was a direct attack on the managers of a prosecution of the most solemn nature, instituted by the authority of the House, while they were endeavouring

to bring a criminal, loaded with an unexampled mass of crimes, to justice. Would the House suffer the delinquent to use his unjustly acquired wealth in slandering the means by which he was to be brought to justice? It was not the matter of the libel but the vehicle of it which he condemned. With regard to the publication of speeches, the practice had obtained from the time of Lord Clarendon to the present day; and when discreetly exercised, no harm could result from it, but, on the contrary, much good might accrue to the public, who certainly ought to be informed of what passed in that House. A very distinguished member of that House, the late Mr. Grenville, had, by the publication of a celebrated speech of his on the Middlesex election, handed down to posterity his constitutional principles, and he had reason to believe that the practice was occasionally, and with great propriety, followed by some of the family to this day.

Mr. Burke next recurred to the conduct of Mr. Hastings and his agents. While the managers of the impeachment were discharging their duty to the House, and accusing the principal, his agents were basely employed in accusing his accusers, and the libel complained of was nothing more than the last of a long list of libels systematically manufactured by the honourable major, who, in his defence, had not said a word of all his other libels, though they were matters of the greatest notoriety. As a proof that the letter in question, flagitious as it was, was not the most atrocious of all, Mr. Burke begged leave to produce and read a paper stating its contents to be the words of a conversation which passed between Major Scott and a noble Lord, (Dover,) when the major delivered to that noble Lord the petition of Mr. Hastings to present to the House of Lords. The words used by Major Scott were, that "the whole of the proceedings on the part of the managers had been in the highest degree iniquitous, cruel, and unjust." Mr. Burke commented upon the criminality of such a declaration as coming from a member of that House. He said that it was a most flagitious and out-

rageous libel on the managers. What was a noble Lord, one of the judges who were to decide upon the cause in the conduct of which they were employed, to think of them, when they were called to carry on that cause, and a member of the House who were the prosecutors, came down from the place where he had voted the prosecution, and told one of the Lords, that he was not to credit the words of the managers, because their motives were "iniquitous, unjust, and cruel?" Mr. Burke solemnly declared, that he laid out of the question all that concerned himself. Most men, he said, were deemed partial in their own cause, and it was right that they should be so considered; but he was indifferent to all that related to himself personally. He had for ten years together, from the year 1780 down to the present time, been employed in the work of the trial, and ever since the arrival of the major in England, he had been the object of the libels poured forth in such torrents against him; but that House had answered those libels effectually, by appointing him a member of a select committee to detect Indian delinquencies; at a subsequent period by granting him additional powers; afterwards by sanctioning the produce of his labours; and lastly, by adopting the charges, and instituting the impeachment. Their conduct in this last respect was a complete refutation of all the calumnies so industriously heaped upon him. But now these harpies were not content with casting their filth on him singly, but they dared presumptuously to make the House parties, and to arraign the justice of its proceedings. For his part, he entertained an utter contempt for the whole gang of those who called themselves the friends of Mr. Hastings; but the House could not, from considerations of what was due to their own honour, disregard, what he was satisfied was part of a system to cover the frauds, perjuries, and villanies of the delinquent, and an attempt to turn into ridicule matters the most serious and awful.

Mr. Burke declared, that the strongest sign of a depraved mind was the being able to break a wicked jest

upon the most grave and important matters. It stood forward as a proof that the wickedness of a nation was rooted, and that notions of propriety and decency were lulled to a lethargy and abandoned. Mr. Burke read the extract from the testimonies adduced in the Benares charges, and asked if such horrid barbarities as it stated were fit subjects for mirth or ridicule? Having contended that if the extract he had read was an invention, it was no invention of his, and having descanted on the affair of Deby Sing, which he declared himself ready to prove there or any where else, Mr. Burke professed himself a sincere friend to the liberty of the press, considering it as a sacred thing, and the main pillar of the constitution; but he asked, was it a proof of the liberty of the press to suffer the agent to a criminal to libel the justice of that court, before which the criminal was on his trial? He was satisfied that the House was not base enough to separate themselves from the managers, and set them like raggamuffins led to a post of danger, where they would be well peppered, without standing forward in their defence. He was not afraid of the liberty of the press, neither was he afraid of its licentiousness; but he avowed himself afraid of its venality. Mr. Hastings was able to buy up all the newspapers, and he had heard, from what he deemed good authority, that 20,000*l.* had been expended in the publication of Mr. Hastings's libels. With regard to the honourable gentleman's threatened committee of inquiry into the libels published of late years, he was ready to meet the whole phalanx of Indian delinquents with their associates upon that subject. It was absolutely necessary that the House should proceed, as he knew it to be one of the floating opinions abroad, that the House was against the prosecution continuing any longer. If they were, they ought to have resolution enough to declare it and discharge their managers; if, on the other hand, as he believed was the fact, the report was wholly without foundation, he was ready to go on, and to wear himself out in their service; for he thought it the most honourable one

in which any man could be employed. But it behoved them to act firmly that day, since he defied any member to produce an instance in the history of this country, while the House of Commons were prosecuting a most powerful delinquent, of the managers of such a prosecution being libelled by one of their own body.

Mr. Burke ran through a long catalogue of enormous crimes, all of which he imputed to Mr. Hastings, and he defied the united calendars of jail delivery throughout the kingdom, to produce a list of offences in any proportion in point of foulness and atrocity. The honourable major, he observed, had denied that he was agent to Mr. Hastings at present. What was he then? He was either agent or something more; he was Mr. Hastings himself. Their sexes, names, characters, and constitution were confounded. If he went to the India-house he saw Major Scott copying out papers, and paying money for Mr. Hastings; at the House of Lords he saw Major Scott presenting a petition to a noble Lord, signed Warren Hastings, which Major Scott had afterwards told them, in that House, was his drawing up. At their own bar they had seen articles of defence exhibited by Mr. Hastings, who had made it his boast that he had drawn those articles in five days, in answer to charges which had cost him (Mr. Burke) as many years to prepare, and afterwards, when Mr. Hastings's counsel expressed their dissatisfaction at those articles, Major Scott came into Westminster-hall, and said that he and others had written them. The true name of Mr. Hastings therefore must be Legion, since every thing was done by Scott and Co. Mr. Burke declared that he was not afraid of any of the libels to which he had alluded; for they were not remarkable either for the elegance of their style, the beauty of their composition, or the force of their arguments; but such as they were, they called for the vengeance of the House, and especially the daring libel then in question, that they might mark to the whole world, their detestation of the system practised by the criminals of

India, to defeat the justice of that House and of the nation.

The motion was agreed to without a division.

ABATEMENT OF AN IMPEACHMENT BY A DISSOLUTION OF PARLIAMENT.

December 17.

IN consequence of the dissolution of parliament, the attention of the new House of Commons, which met in November, was called to a subject of the utmost importance, not only to the dearest privileges of that House, but to the very existence of the constitution itself. The question was, Whether an impeachment, brought by the Commons of Great Britain assembled, in their own name, and in the name of their constituents, did not remain in *statu quo*, notwithstanding the intervention of a dissolution? On the 17th of December, Mr. Burke moved, "That the House should resolve itself into a Committee of the whole House, to take into consideration the State in which the Impeachment of Warren Hastings, Esq. late Governor-general of Bengal, was left at the dissolution of the last parliament." After a short debate, in which the motion was opposed by Mr. Bastard, Sir William Young, and others, the House resolved itself into a committee, Sir Peter Burrell in the chair. Upon which,

Mr. BURKE rose and observed, that being now in a proper situation to consider the important question to be decided, should any question arise, he would open to the committee the resolution which he intended to move. He had been described by an honourable gentleman, who opposed going into this committee, as politically dead, as existing no longer in fact, but in name, as the *cinis et umbra* of what he once was, and being now reduced to an *ens rationis*, a mere metaphysical abstraction of a man, it

was very logically inferred, that an abstract member of parliament could move only an abstract proposition. He begged leave, however, to assure the committee, that in this metaphysical revival after his political death, he should submit to their consideration, not an abstract, but a practical proposition. He was laid under considerable difficulty in another respect by the gentlemen who opposed going into the committee. If he spoke, he was told that he spoke only to torment the House. If he sat silent, he was told that his silence was insidious —

— “ The times have been
That, when the brains were out, the man would die,
And there an end : but now they rise again,
With twenty mortal murders on their crowns,
And push us from our stools.”

So he, politically dead as he was, walked abroad in his metaphysical capacity, to torment the House, to frighten honest gentlemen from their seats by his talking, or entrap them by his silence. Both his political and his physical life were now nearly at an end ; but while either of them remained, he pledged himself to persevere for the honour of the House of Commons in the arduous task he had undertaken. The House of Commons, by adopting the impeachment, had vindicated his honour, had screened him from the imputation of being a false accuser, and made it their own. For their honour, for the dignity and consistency of their proceedings, he was bound in gratitude to exert the utmost efforts of his poor abilities to bring it to a fair judicial conclusion. The attempt that had been just made to get rid of the whole proceeding, was supported by no argument, at least by no argument that was new. In this particular case it happened that arguments, like men, were endowed with the quality of reviving after death. Arguments that had been routed, discomfited ; not only driven off the field with ignominy and contempt, but disbanded by those who arrayed them for battle, as unworthy and unfit to serve, were again drawn out and marshalled, as if they had never been exposed to defeat

and disgrace. The arguments adduced by the honourable gentleman who began the opposition, had been not only routed and discomfited in the late parliament, but an honourable gentleman (Major Scott) had been punished for enlisting them — he had received the censure of the House, and that he who had tasted of it must call a heavy punishment. The honourable gentleman had said, that although he himself had voted for the impeachment originally, yet many of the articles were passed without due consideration; and, with all the zeal of a new convert, he contended, for that reason, against the whole. He, no doubt, had made such inquiry, and received such information, as enabled him now to form a better judgment; but he ought to have some mercy on other gentlemen, who had also voted for the impeachment, and who not having had access to that information which convinced him that they had voted in error, still adhered to their former opinion. The present House of Commons, it was said, was not bound to adopt the resolutions of the last. Undoubtedly it was not, if those resolutions should appear to be founded in injustice, or adopted without due consideration. But let the House beware of rejecting, without examination, what the late House of Commons had adopted on more painful inquiry, and more laborious investigation than perhaps had been bestowed on any subject that had ever come under the consideration of parliament. An honourable gentleman (Colonel Macleod), to whose professional reputation he was no stranger, had introduced a story in the style of the Arabian Nights' Entertainments, a sort of modern midnight conversation, in which Tippoo Saib had borne honourable testimony to the abilities and virtues of Mr. Hastings. Tippoo Saib was a prince of so much virtue himself, — of justice so conspicuous, of humanity so exemplary, — that to question the authority of his testimony, might be, perhaps, to question what all the world was so well convinced of, that he should be asked — "*Solem quis dicere falsum audeat.*" But still he might be permitted to ask, what effect the testimony of this virtuous prince, of

this Marcus Aurelius of the East, to the abilities of Mr. Hastings, could have on a charge of taking money which he was expressly forbid to take, of lending it to the Company as their money, and of taking bonds for it, payable to himself? Whatever might be its value, he should only consider it as a reason for going on with the trial, that there might be an opportunity of bringing the evidence into Court.

The extreme length to which the trial was likely to extend, was alleged as a reason for deserting it altogether. On this point he could inform those who wanted information, that it was not the intention of the managers to protract the trial, and that had they been permitted, as they intimated last session, to go through the article of contracts, they meant to call on Mr. Hastings for his defence. The friends of Mr. Hastings never complained of the length of the trial, till the defendant was on the eve of being pressed to judgment, and then they pretended to think that the retraction of one House of Commons, or rather the base and scandalous dereliction of what another House of Commons had solemnly done, would be a complete acquittal — as if a collusion between the party and the prosecutor could restore the reputation of the one, or not stain the honour of the other. As to any implied charge against the managers of the impeachment, he would not reply to it till specifically brought forward. They were now in no collective state to make their defence, and it was rather ungenerous to assail them in their unprotected situation. If delay was imputable to any person, it was to Mr. Hastings himself. His right honourable friend (Mr. Fox,) *to whose transcendant abilities the merit of the whole conduct of the trial might be almost exclusively ascribed*, after opening the first charge, had proposed to decide upon them article by article, so that the party accused would have had an opportunity of exculpating himself from the weight of each charge, as the evidence upon it was concluded, instead of being oppressed for such a length of time, as he now complained, by the accumulated weight

of several. To this, however, Mr. Hastings would not agree: he was not then so jealous of his honour, and chose to drain the cup of crimination to the dregs, before he applied the exculpatory antidote.

Mr. Burke said it was not his intention to move any abstract resolution, much less a resolution implicating the propriety of the accusation with the competency of the accuser. He never had loved, and never should love an abstract question; being of opinion that much of the vice of the present age was owing to an abstract way of thinking. In the committee, which he considered as a committee of privileges, he meant to move a proposition applicable to the particular case. In this he had been guided, not by the mootings of lawyers, not by the reveries of pamphleteers, not by the conversation of coffee-houses, but by the opinions of minds that were fitter to direct than to co-operate with such minds as his. The terms of the proposition would shew its modesty. However jealous or irritable he might be supposed, he had betrayed no unseasonable jealousy on this occasion. The Lords had adjourned over the day appointed for proceeding on the trial the day of the last adjournment. Of this he had taken no notice. They had met and adjourned again and again, and again, and no message had been sent to the Commons on the subject.

“ To-morrow, and to morrow, and to morrow,
Creeps in his petty pace from day to day,
To the last syllable of recorded time;
And all our yesterdays have lighted fools
The way to dusty death.”

He felt their silence more alarming than any act would have been. Their silence might be owing to several reasons. They might think, without entertaining a doubt of the right to proceed, that the Commons would abandon the impeachment. They might think that the Commons, if they meant to proceed, ought to move first in it, as they did in the case of Lord Danby; and last in order, as in will to mention, they might possibly entertain the shocking

the issue was as happy as the interference was proper, and instead of fomenting discord between the two Houses, it had been the means of promoting their future harmony.

Still, however, there were other reasons which, in the opinion of some gentlemen, ought to preclude any motion on the subject. They professed to think that an impeachment did not abate by a dissolution of parliament, but that to come to any vote upon it, would seem to pledge the House to proceed with this particular impeachment. They were anxious that the general principle should be separated from the particular case, and when the impeachment of Mr. Hastings was fairly got rid of, the House, they thought, might dispose of the principle at their leisure. Those who argued thus, were the movers of an abstract question, not he. They advised the House to assert an abstract privilege in general terms; but by no means to do so, till they had first dismissed the case to which it applied; to settle the point of law, but not till they had suffered the prisoner to escape. Just so might a culprit at the Old Bailey, or his counsel for him, after hearing his indictment read, and seeing his jury impannelled, in case of any difficulty in point of law arising, say to the court, "This is a general question of law, and I am charged with a particular fact: do not prejudge my case, by deciding on the point of law; separate the general principle from the particular case; suffer me to depart, and decide on the point of law when I am dismissed from your bar, and in no danger of being affected by your decision." This would be a proposition, to which, he apprehended, neither the court nor the prosecutor, unless he were a collusive prosecutor, would be very ready to listen. Without any such attempt at refinement, without either separating what could not be separated, or blending what ought not to be blended, and taking for his model the vote on the impeachment of Lord Danby, after a dissolution of parliament, he should move a plain practical resolution, namely, "That it appears, that an impeachment by this House, in the name of the Commons of Great Britain in parliament assembled, and

of all the Commons of Great Britain, against Warren Hastings, Esq. late governor-general of Bengal, for sundry high crimes and misdemeanors, is now depending."

Mr. Erskine, wishing to gain time for deliberation, moved, "That Sir Peter Burrell might leave the chair." A debate which lasted, by adjournments, three days, ensued. Mr. Erskine, in an elaborate speech, endeavoured to shew, that in consequence of the dissolution of parliament, the impeachment had abated, and on this ground he was supported by Mr. Hardinge, Mr. Mitford, Sir John Scott, and several other gentlemen, principally lawyers. On the other side of the question, the lead was taken by Mr. Pitt, Mr. Fox, Mr. Burke, Mr. Anstruther, Mr. Adam, Mr. Dundas, and Mr. Addington the Speaker.

December 23.

ON the 23d of December, the third day of the debate,

Mr. BURKE rose. He said he was happy to find that gentlemen had taken up the question on the principles of reason, as well as on the authority of precedent. In a question which concerned the safety and welfare of the people, every consideration, except what had a tendency to promote these great objects, became superseded — *Salus populi suprema lex, prima lex, media lex*. As precedents, however, were one ground, though only one ground of legal argument, they ought not to be despised, as they were evidence of legal tradition, and shewed what was reputed law at the time of their being given. They ought for this purpose to be shewn to have the qualities fit to render precedents of full authority in law. They ought to be shewn; first, to be numerous and not scattered here and there; — secondly, concurrent and not contradictory and mutually destructive; — thirdly, to be made in good and constitutional times; — fourthly, not to be made to serve an occasion; — and fifthly, to be agreeable to the general tenor of legal principles, which over-ruled precedents,

admire prompt and extemporaneous eloquence. But prompt deliberation, extemporaneous research, and sudden judgment, do not demand my respect so powerfully. In a case that required research and consideration, ought he not, before he adopted it into his reasoning, to have paid some attention to the statement of facts? But the honourable and learned gentleman had assigned the reason of all this; "he did not feel himself at home." The bar was the scene of his wealth, of his reputation, of his fame; this House was only the scene of his duty. It was related of Lewis XIV. that all his children by his mistresses were handsome and vigorous, while those by his wife were puny: his physician, when he was asked the reason, replied, {that his wife had only the rinsings of the bottle. In like manner, that House had only the refuse of the honourable and learned gentleman's abilities; they obtained him solely at second hand. This was the scene of his duty, the other the scene of his pleasure:

" I take her body, you her mind —
Which has the better bargain?"

This partiality for home was easily accounted for. Home was home let it be ever so homely, and, in consequence of this partiality, the gentlemen of the long robe were led to measure the proceedings of parliament by those of the courts, and to prescribe the rules of the courts as the standard of the usage of parliament. Here they were only militant, and gave to royal prerogative all that weight which in their future situations they might be called to support. To us (said Mr. Burke), who are only ordinary members of parliament, the rights of the Commons are every thing. Without them we have no existence. We have no other ground to retire to. Fighting for them we fight *pro aris et focis*. Hitherto the members of that House (because in that House they were "at home") had some sort of affectionate leaning, and fond domestic partiality towards their privileges. They took it for granted, that what they possessed in favour of their constituents,

was lawfully possessed. They thought that what was never disputed in that House ought not to be disputed any where. They employed argument and research, to defend their rights against those who attacked them, and not to raise questions amongst themselves and against themselves; or to furnish offensive weapons to their adversaries, by teaching them to doubt the legality of their best-founded claims. It was now, for the first time, that they were arrived to that pitch of candour as to set to work all the hunters after precedents, all the scratchers of parchment, all the revivers of dead ink, with a view, if possible, to discover a flaw in their own title. It was strange that they should advise them to search the obscure recesses of antiquity, more especially when those recesses were granted to be obscure, and, leaving the solid ground of possession on which they stood by the resolutions of 1673 and 1678, to try whether some mouldy parchment might be raked out to dispossess them of their possession under that solemn decree. What rendered it still more strange was, that this search of obscurity was to produce light, and an endless length of investigation was proposed as a remedy of delay, and with a view to promote promptitude of proceeding in this trial.

Another gentleman of the long robe, the master of the rolls, had complained of this delay. What rendered the complaint singular was, that the honourable gentleman had been an eminent practitioner, and was now a judge of Chancery, a court which had not hitherto been famed for the celerity of its decisions. And certainly till the time of the learned gentleman, who no doubt had effected a reform in that respect, any complaint of delay from this quarter could not but have carried with it an air of ridicule. It was a new circumstance that the court of Chancery should instruct parliament to be more expeditious in its proceedings. But why did not these gentlemen, who complained of the length of the proceedings of parliament, at once bring in a bill to shorten its continuance, and, as it frequently had been suggested before, to make it triennial,

biennial, or annual, or oftener if need be, since, by these means, all their purposes of expedition would be effectually answered? The cause must then die, not with its nature and merits, but with the parliament with whose duration the thread of its life was twisted. But, perhaps, the most surprising objection which had proceeded from a member of the law, was that which had been stated to written evidence. It was well known that there was no other sort of evidence employed in Chancery, except in particular cases. The judges in all the courts took notes, not only for their own use, but for the instruction of the jury and the summing up of the evidence. It was singular, that the things provided as aids to the known frailty of memory, should be alleged as reasons for rejecting memory so assisted, and admitting nothing written to be a ground of judgment. How came the memory to be worse for that which was always done *in perpetuam rei memoriam*? But when was this objection started? Why was it not proposed during the three concluding years of the former parliament? Was not written evidence then as bad as it was now? Was it not found out till after the dissolution of parliament? Was it now, for the first time, brought forward, when the charges might be supposed to be nearly finished? The motive of all this it was not difficult to ascertain. The culprit was now on the eve of making his defence. Any former attempts in his defence had been found mischievous in the extreme; and from what was to follow, the same consequences might be apprehended. At this moment of his peril, therefore, they interposed, and wished to snatch him away in a cloud from the unequal conflict between his cause and his defence.

The proposition which all these objections had been intended to establish was, that impeachments terminate with a dissolution of parliament, and are, of consequence, subject to the will of the crown. But in their attempts to shew that this was law, they had never endeavoured to prove that law, thus administered, was conducive to justice. In treating of the excellence of any art, it was

usual to illustrate the advantages with which its exercise was attended. Why, then, had they not shewn that this exercise of law was beneficial? Why had they not pointed out its tendency to convict guilt, and clear innocence? Or how could they justify that law, the only effect of which that could be perceived, was to provide for the concealment and impunity of guilt? In contending for the law on the principle of its defect, they acted in the same manner as if they had enumerated the gout, the stone, and other diseases to which the body was subject among the parts of the constitution. Instead of representing their lady of law as a beautiful woman, well-proportioned, they had represented her as an ugly, decrepit, and mis-shapen hag. They break a lance with all comers, not for the beauties and perfections of their mistress, but for her stinking breath, and her toothless gums. With them justice may mumble a rich criminal, but can never devour him. Justice is to do every thing but judge. Every accident works a discontinuance in her process. She always fights to be defeated. Her work is always to begin, never to end. The defects of the law are the objects, not of the apology, but of the claim of its assertors, and they have sworn allegiance to her divine errors and indelible defects.

We contend that the law of parliament knows of no such a monstrous and shameful defect, as that by which a state criminal may be enabled to free himself, by his own act and by his own pleasure, from the pursuit of his country. But the gentlemen of the long robe deny the existence of a law of parliament, and maintain that there can be no law but what is understood and practised in their courts. Well then, though we never shall allow that wild, false, dangerous, and unconstitutional doctrine, for a moment, let us go upon their own ground, and see whether they will abide by the conduct of the courts below, upon this very point. As they decline this too, they know that their ground is, if possible, more untenable on the law reports and law digests, than on the decisions and precedents of parliament. When the law of their own courts had, in

one of the most eloquent speeches, perhaps, ever delivered within these walls, been shown to apply directly and conclusively against their positions, what course do they take? Will it be believed, that after they had endeavoured to annihilate the law of parliament, they have set themselves to invalidate all the authorities of that very law of their courts to which they had sunk the authority of the supreme and sovereign law of this constitution? Oppose to them Comyns's Digest — tell them that the first in rank of their judges calls it not only a great authority, as a judicious compilation of authorities, but a great authority as being that of the compiler himself. They reject this great authenticated digest; and give it no force but what is formed on its references to reports. Well then, give up to the professors, as good for nothing, their own digest of their own law, and while they send you to their reports. There, too, the ground fails under you — you are worse off — you are bogged deeper and deeper. They tell you, in so many words, that their reports are confused, perplexed, obscure, inaccurate, and were published after the death of the writers, from their notes, by persons who did not understand their meaning. Providentially, they have found a nameless note, in the hands of a nameless person, which had belonged to his grandfather, who was also nameless, though a learned judge; and that paper mentions nothing of what appears positively in the reported case. Such a valuable discovery could not be sufficiently prized; and had it been in the hands of this unknown gentleman's grandmother, it might perhaps have proved as much. Now observe where at last these gentlemen of the long robe have led us. We have nothing to induce us, after renouncing every species of public recognized law, both of the parliament and of the courts, to follow their opinion, but a pocket-note, in the possession of persons not mentioned, grandchildren of some grandfather or grandmother, but except by themselves never seen, and which even now is not produced, but which when produced will, they tell us, say nothing at all upon one side or the other

of the question. Is this, then, the law to which we are to sacrifice all the known authentic sources of jurisprudence, the privileges of parliament, the justice of the kingdom, the only securities for our constitution? Are we to give up to them and to their grandmothers all the patrimony of our posterity, all the institutions of our progenitors? "The laws, the rights, the glorious plan of power, delivered down from our great fathers?" No: they shall not persuade us to act in this manner. These are not the reasons which will justify us in such sacrifices. Let us take care of ourselves. These gentlemen of the law, driving us from law to law, would, in the end, leave us no law at all.

Shut out from all their professional resources, these gentlemen at last have recourse to history to find something for their purpose. Mr. Burke said, he did not deny the use of history in explaining law; but he could by no means approve of the attempt to fritter away law by history. The evidence of history, however, would be found equally in favour of the continuance of impeachments. Of this Charles II. himself was strongly sensible, in the conduct which he pursued on the impeachment of his minister, the Earl of Danby. That prince, in the speech from the throne, continued by his chancellor, expressly tells his new parliament, that he would not discharge the Earl of Danby, because he was under an impeachment of the last parliament, and ought to be tried in the new. Here was a declaration in our favour from the crown previously to a single step taken by this House; which shewed that the king and his chancellor acted on the clear, known, recognized law, not on any claim of the Commons. The House afterwards took it up on the same ground. They sent word to the Lords to remind them of the depending impeachment of Lord Danby. Here the House affirms the principle. The Lords take it into consideration, and they solemnly determine and adjudge, that an impeachment is not discontinued by the dissolution of parliament. They tell us it was a point we had gained. We were punctilious.

It became us to be so. To say we had gained a point, did not necessarily infer that we had gained any thing but our right. But we did not hear a shadow of ambiguity in expressions. We would not take it to be considered as right, regained, or recovered. We insisted that we had always possessed it; that it was the clear indubitable right of the Commons, and in this the Lords acquiesced. But, were they satisfied with a bare acquiescence? When Lord Stafford was brought to his trial, he pleaded this very discontinuance which the gentlemen of the robe plead against us this day. Did the Lords yield to it? They would not so much as suffer it to be argued. On the foundation of this privilege, Lord Stafford was tried, condemned, executed, and by the attainder, his whole line of succession cut off.

Here in the solemn avowal from the throne, in the proceedings of the Commons, and in the resolutions of the Lords, we have every thing but the mere form of a declaratory act of parliament for our privilege. We have afterwards a rejection of the admissibility of argument on it, and a judgment as solemn as ever was given. The Lords cannot rescind their judicial decisions. In the first year of James the Second, indeed, for obvious temporary reasons, they attempted to rescind their *resolution*, which they miscalled an *order*; but they did not venture to rescind their judgment against Lord Stafford, as founded in error. Nay more and stronger: a bill was actually brought in to reverse the attainder, and though such bills had been common, I have never seen any before this that did not assign some irregularity or error in the process. Here was one (according to our new principles) which glared upon them. Lord Stafford's law argument against the legality of the process had not been heard. They never, however, dared to go upon this ground even in King James's reign. It is not so much as mentioned in the preamble to the bill; as the bill proceeded wholly on the conviction of the evidence for perjury. But so tender were the Commons of ~~nothing~~ ^{nothing} which might, by any kind of inference, affect that

question, that King James's House of Commons, chosen in effect by himself, never passed it; and to this day the attainder stands. Now, shall that which has been sufficient to attain and degrade for ever, one of the noblest families in the world, not be sufficient to support us in the right of maintaining a temperate process for bringing to a legal judgment an Indian delinquent?

A learned gentleman had availed himself, in the instance of Lord Stafford, of the opportunity to appeal to the passions, to rouse our indignation by the injustice to which he had been exposed, and to excite commiseration by his age and sufferings. An appeal to the passions, even in favour of those whose sufferings might seem to be obliterated, by all the injuries and sufferings of others, during a period of more than a hundred years, should never be condemned by him. He never would condemn those appeals to the heart in favour of the sufferings of innocence, which never ought to be antiquated; because, by magic of eloquence, the remotest sufferings of mankind are thus brought home to our bosoms; time and place disappear to the sympathy, that unites all mankind in all countries and in all ages, and the sphere and empire of benevolence is extended every way, and upon every side. But let us take care that our appeal to the passions is not rendered rather ridiculous than pathetic by having no proper relation to the point in question. Nothing out of its place and season is powerful or decent. Our moral feelings are the most excellent part of our nature; but as they might mislead our judgment, it was of consequence to watch their operation. In this view, it was improper to allow considerations of malice or perjury to interfere with matter of order, formality, and law. Recent instances had occurred, in which wretches, by the grossest perjury, had taken away the lives of their fellow-creatures; and if those instances were allowed to interfere with the authority of the court, or the decision of the judges in future, there would be an end of all law and all justice.

It had been urged against the order of 15-2 that it had taken place under the influence of party violence. The

Popish plot most certainly he did not mean to support, to justify, or to palliate. But did not the situation of the kingdom sufficiently justify great heats and tempestuous passions? Were not the circumstances of the king having sold himself to a foreign power, and the heir of the crown having declared himself a Roman Catholic, sufficient grounds of apprehension? As all the courts of the kingdom at that time, as well as parliament, acted under the influence of these heats, and many people as worthy of compassion as Lord Stafford suffered from perjury and credulity, would not the same argument equally go to invalidate the proceedings of all? And, to be sure, the times which succeeded, in 1685, when the order for the continuance of impeachment was rescinded, were quiet and orderly! there was no distraction of counsels, nor threatening of public disturbances! The truth was, that that parliament, however they might be accused with an obsequious disposition, in this instance acted wisely. They were silent on this point, which, in the situation of affairs, they found it inexpedient to carry. But does there appear, in the transaction of rescinding in form the vote of 1678, no sign of the spur of the times? Why, it is spur-galled from shoulder to flank. Compare the two proceedings. In 1678, parliament adhered to a settled rule; their proceedings were regular and consistent. But if we examine the proceedings of 1685, we shall find that only that part of the order was abolished which related to impeachments, while that which related to writs of error and appeals was allowed to remain in full force; an anomaly, which evidently bears the mark of the particular occasion by which the measure was dictated. Opposed to this anomaly, we have on our side a system, clear and decisive, recognized as a principle of the constitution and adopted in its practice. The right of impeachment never dies, but by judgment or dereliction, and the proceedings of the Commons are as immortal as their public capacity.

On a division upon Mr. Erskine's motion, "That Sir Peter Burrell do leave the chair," the numbers were Yeas 30: Noes

113. Mr. Burke's resolution, "That it appears, that an impeachment by this House, in the name of the Commons of Great Britain, in parliament assembled, and of all the Commons of Great Britain, against Warren Hastings. Esq. late governor-general of Bengal, for sundry high crimes and misdemeanors, is now depending," was put and carried.

IMPEACHMENT OF MR. HASTINGS.

Feb. 14. 1791.

THIS day, in pursuance of the notice he had given,

Mr. BURKE rose, he said, in order to follow up his former motion. But first, he begged leave to congratulate the House on having ascertained the important question of the continuance of the impeachment. The House was no longer subject to the imputation of being bastardized, attainted, corrupted in blood, with its succession and its inheritance of justice from former parliaments cut off. It continued in full possession of all its rights, notwithstanding the effects of a dissolution, and was proved, at the commencement of a new parliament, to be *alius et idem* — that the House, like the great luminary to which this description was applied, preserved its identity under all its changes. The House set in justice : it rose in justice. On the event of this important discussion, he begged leave not only to congratulate the House, but to congratulate the country, to congratulate the constitution, to congratulate liberty, to congratulate law, and to congratulate human nature itself.

After the decision which had been given on this question, he ought not to fear that any part of their future conduct would be unworthy of the principles which they had thus strongly sanctioned. Every right implied a duty; and

having established the right, it was not to be apprehended that they would decline to discharge the duty with which it was connected. Such a conduct would, by their former decision, only be rendered more odious and disgusting. But having established the right, it was not to be supposed that they meant merely to claim it nominally, but to give it energy and effect, to render it real and impressive. He would not, however, dissemble. He understood that there were opinions entertained in the House and out of it, inimical to the exercise of the right in question. The principal ground on which those who objected rested their arguments was, because the impeachment had already continued so long without effect. But it was to be considered, how far this argument ought in propriety to influence the giving up the impeachment. Here two questions arose; whether the charge was just, that is, whether the allegations of the impeachment were founded in truth? and if they were granted to be true, whether the importance of the impeachment itself was worthy of the perseverance of the House?

Having pledged themselves to carry through their accusation, to make good their charges, according to the common sanction of engagements, they were no longer at liberty to deliberate on these questions. They were bound by honour, which was the strongest of all collateral engagements, to the performance of a duty. However, to make honour a binding principle, it must not be separated from justice. If since the time of their having given their solemn pledge, they had discovered that the grounds of their charges were false, malicious, or even frivolous, it was not merely sufficient, in order to do justice to the accused, that they should decline the impeachment. Something more was necessary on their part, and due to the individual who had been the object of their attack. -In such a case repentance became them; having discovered their error, they could only atone for it by the most sincere contrition; and in order to evince the sincerity of this repentance, as well as to repair the consequences of their injury, it became

them to avow to Heaven and earth their error, and to proclaim, in the face of their country, the innocence of him whom they had accused. They were to look to no considerations either of pride or policy in making this atonement. It became them not merely to acquit him, but to pay the damages which he had incurred in the course of a prosecution, that had originated from their rashness or their injustice. It was human to err, but having once discovered their error, it was incumbent on them to make the proper expiation. Repentance was an amiable virtue, and particularly suited to a being liable to frailty and mistake. They ought to beware, that in order to avoid the shame of confessing that they had been wrong, they did not incur the imputation of farther guilt. There was a degree of infamy attached to the present impeachment: that infamy must fall somewhere: it must fall on the subject of the impeachment, if he be duly convicted; it must fall on them if they weakly abandoned the impeachment; it must fall on the Lords if they decided unjustly. It was evident, however, that it must fall somewhere, and it was their duty to provide that no part of it should be imputable to them.

The second question to decide, before they determined to abandon or support their prosecution, was, whether, along with its justice, it was important. On this there could be little difficulty. All parties were agreed, that a heavier charge of guilt, and of a guilt affecting more extensive objects, had never been made against any man. But if convinced that their prosecution was of the highest justice, and of the most serious importance, and if having declared that the conduct of the panel was a disgrace to the country, would not the House, by declining the prosecution, leave its honour open to aspersion? Would they not incur all the criminality of those bad measures, which having detected and brought to the bar of justice, they had wanted honesty or spirit to prosecute to the period of sentence? Upon what pretence could they arrogate to themselves the right of calling a man to account for oppressive acts, whilst, in the pretended exercise of that right, they

should act as if they were guilty of a system of the most flagrant oppression?

If the impeachment should be abandoned, solely on account of the length of time which had already been employed in its prosecution, a precedent of the most dangerous nature would be established, and an opening made for every species of abuse. If, from the defect of laws, or any other circumstance, a trial should be protracted, a door would be provided for the escape of the criminal. Nay, the greater the enormity of his guilt, the less certainty would there be of his punishment, as in proportion as his crimes were numerous and complicated, would be the chance of a long trial; and if the criminal should, by chicanery, or whatever evil arts, be able to protract his trial, his new guilt would become a protection to his old, and he would thus be able not only to hold back, but wholly to elude the course of justice. The hardship of a three years' trial had been much enlarged on; but before this hardship could, with propriety, be the subject of complaint, the particular causes which had occasioned delay, ought to be investigated. A trial may be long by its nature. But must every trial, long by its nature, be abandoned? This would be to abandon trial itself, and, at the same time, to quarrel with nature. The penalties of law would become useless, and prosecution would be only a more secure mode of indemnity provided for the criminal.

Mr. Burke said, that the House ought to consider and to balance inconveniencies. A long trial was an inconvenience, but it might be an inconvenience inseparable from justice. Let them weigh the consequences, on the one hand, of continuing it for a long time, and, on the other, of abandoning it on account of its length. In the first case, if any man in high office or authority should from his conduct have incurred general odium, and have so much excited the voice of general accusation as to be deemed a proper object of impeachment by the representatives of his country, it might be a very long time before he could

be finally acquitted or condemned. There was the whole — a hardship to an individual; but a hardship to an individual largely salaried to bear the responsibility annexed to a high situation. But even this hardship might be salutary, as it would teach governors and persons in office, to shun not only guilt, but suspicion. But take the consequences the other way — If by abandoning the punishment of high criminals, because we cannot bring them (as we seldom can bring such criminals) to speedy justice — we hand over whole nations to the pride, the fury, the avarice, the extortion, the oppression, and the tyranny of their governors. These two sorts of inconveniences were not equal in any equal eye.

The impeachment certainly had continued a very long time. A learned gentleman had, with much solemnity, asked, who could have thought that it would have lasted three years? To the general proposition, which seemed to be implied in this question, he begged to enter himself as an exception. He, for one, had thought that it might last three years. He had been aware, at its commencement, of the length to which it might be protracted. During its progress, he had wished and endeavoured to avoid all unnecessary delay; it had been his aim to bring it to a speedy conclusion. In that he had failed. Was he, therefore, to fail in all the rest? After three years, his resolution to persevere in the prosecution of it was still unabated, and his activity alive; and so far from abandoning it, on account of the delay or fatigue with which it had been attended, he found his determination confirmed and his ardour enflamed, and would, till the last moment of his life, persist in a cause, to which he considered himself as bound by duty, and to which he was pledged by honour. Were they certain that such delays might be separable from the nature of the trial? Were there hour-glasses for oppression? The honourable gentleman who had complained of the length of the trial, had, in this instance, measured by the standard of the comparatively meaner transactions with which he, from his situation, was most immediately conversant. The

rabbit, which breeds six times a year, cannot pretend to ascertain the time of gestation proper for the elephant. The process employed in an action of assault and battery, was no measure for the assaults on the rights and privileges of a people. An action, *quare clausum fregit*, or *de parco fracto*, furnished no standard for the trial for breaking down the fences of general property, and desolating whole provinces. The trial of an indictment for stealing privately from the person, could not afford an estimate of the time necessary for explaining and proving the robbery of all the treasures of a great kingdom. In the mode of estimating which the honourable and learned gentleman had adopted, he appeared to have been more influenced by his employment than his abilities. The gentlemen of the law possessed the talent of magnifying and diminishing, as they chose to turn the telescope. Partridge in Tom Jones's Reports, in giving an account of an action that had been brought against him for damages, because a little pig had broke into a garden, said, that the counsel raised such a clamour about his poor little pig, that it might have been supposed that he was the greatest hog dealer in England. So in this important affair, the gentlemen of the law talked so slightly, and would make it appear a matter of such small consequence, as if it was really the business of the little pig. Thus, according to the point of view in which they represented it, did they magnify trifles into importance, or sink into meanness affairs of real consequence.

It was now more than ten years since, under the special authority of the House, he had turned his attention to India affairs, with a particular view to the subject which was now under consideration. Ten years, and especially at a certain period, formed a very great part of the life of man, *grande humani ævi spatium*. Time then, and especially so large a space, became of too much value to be wasted in trifles, or employed in any but objects of the highest utility and importance. Many causes had concurred to protract the continuance of the present business — *longa est injuria, longæ ambages*. At such a period of

life, and during so long a space of time, what ought to be presumed from this perseverance? That the objects of the inquiry ought to escape, and the inquirers ought to be given over to the resentment of the present age, and the odium of all posterity! It would, indeed, be a phenomenon of a most portentous kind, if a man could be found, who, without resentment of personal injury, or inducement of private interest, could have persevered, with such an atrocious constancy, in persecuting an innocent man. Any man who could be capable of such conduct, might surely be reckoned a monster. Nay, he believed that history, which was in general but a catalogue of the crimes of men, did not furnish an instance in which one human being, without any motive, had for so long a time continued to prosecute another, merely for the pleasure of calumniating innocence, and enjoying the triumph of unprovoked malignity. Be that as it might, as to his own particular, he gave himself up. It was possible that one such monster might exist. If they pleased, he was that monster. But the wonder did not end here. It was in the nature of monstrosity to be rare. But here were no less than twenty of these monsters, all existing at one time, and in one county. The rest of the twenty managers who were associated with him in the same pursuit, and had discovered equal zeal and assiduity, must appear in the same light. Portents and prodigies were grown so common, that they had lost the name. Under the same designation of monstrosity the majority of the House must be included. They, too, had persevered in their deliberate malignity and injustice; for besides the three years of the trial, the Commons had taken two years to consider of the business, before they carried it to the Lords.

It might be imagined by some, that the committee who were engaged in the management of the impeachment, were men particularly ill natured. On the contrary, the world would bear testimony to the members of whom it was composed, they were persons (himself always excepted) who were known to carry the virtue of good nature perhaps to

a fault. Of one gentleman he could speak the more freely, because he was absent, and could not be prevailed on by his friends again to come into parliament. It was Mr. Montagu, whose affability of disposition, sweetness of manners, and moderation of temper, were not less conspicuous than his high abilities and extensive information, particularly in the law of parliament, in which he had perhaps few equals, yet even he had certified the strongest zeal for the impeachment, and the firmest perseverance in its prosecution. It might, then, be supposed, that the other members of the committee were men rash and ignorant; but to their knowledge and abilities on other occasions, the House were not strangers. Presumption, therefore, as far as it could have any weight, was entirely in favour of those who conducted the impeachment, that it was neither their malignity nor their folly nor their ignorance, which protracted the business to such a length — that if there was any fault, it did not arise from them.

An attempt had been made, by those who entertained different sentiments, to pervert the common sympathies of men. Those sympathies go with the oppressed against the oppressor, with the magistrate against the delinquent: they were the best and most powerful instruments of our nature, and ought not in their application to be converted to any purpose of abuse. Much had been said of the compassion due to the panel: but any attempt to excite compassion, previous to judgment, was almost tantamount to a confession of guilt. If compassion was to be excited on the present occasion, why was it not attempted to be excited in favour of the poor Indians, who had some of them, during twenty years, and almost all of them during fourteen, suffered every species of cruelty and oppression which could possibly be inflicted during such a period? If the tide of sympathy, which ought to accompany the course of justice, was to be turned to the criminal, who would undertake the disagreeable task of detecting guilt? Who would submit to the labour of investigating evidence, or impose upon themselves the severe necessity of pronouncing sentence, in

opposition to the feelings of mankind? If the committee had not regarded the honour of the House and the interests of the community, as interested in carrying through the impeachment, would they have prosecuted it with such unwearied zeal, with such unabated activity? Had the members no dear domestic ties, no liberal amusements, no natural desires, the gratification of all which was superseded by the higher consideration of duty? The two ministers, or at least those who, from their situation, approached nearest to that character, had, in the most decided and unequivocal manner, expressed their opinion on the subject of the continuance of the impeachment; a conduct which, as it might rarely be expected to happen, reflected on them the highest credit. With regard to the circumstance of delay, which was assigned as the ground on which the impeachment ought to be declined, perhaps it was worth while to inquire, whether it was imputable either to the conduct of the managers, or the nature of the trial. There was a great fallacy in the statement made by gentlemen. Three years had, indeed, elapsed, since the trial began; but of these three years it had only occupied sixty-seven days, at the average of about four hours a day. Had no cases occurred, in which an equal space of time had been employed on a business of less difficulty and importance? One instance might be produced, in which the case of an election had occupied ninety days; some others above sixty, and many more hours employed in each day. To those who reckoned by the revolutions of the sun and moon more than by the necessities of human affairs, it might appear a long period which had been employed in the impeachment. But those who considered what was the space allotted to business — a space not within the choice of the managers — and what had been done, would find, perhaps, that no time had been lost. Fifty criminal allegations had been proved under very great difficulties.

There was another fallacy used by those who, to screen the criminal, were always cavilling with the conduct of those entrusted by the House with his prosecution — that in these

three years they had not gone through above four articles. The fact was this: the crimes had been found so numerous, that they had not, as usual, divided them into separate articles, but into classes. Under each of the classes (in form indeed called articles) were included a number of charges, alone sufficient to have constituted a distinct impeachment; and he might affirm, that in the whole body of charges was included as much criminal matter as had occurred, perhaps, in all the impeachments to be met with in English history. The preliminary discussion in the House of Commons had occupied nearly as many days, and many more sitting hours, he believed, than the trial in Westminster-hall.

Among the obstructions which the managers had encountered in carrying on the impeachment, might be numbered the prevalence of the Indian interest. Indian influence now extended from the Needles off the Isle of Wight to John o' Groat's house. Wherever it prevailed, it had a tendency to make every thing else gravitate to its centre. It was to be found in the House of Commons itself. Well it might seem for the people of India, that they had so many to plead their cause; but it was to be doubted whether gentlemen, who had acquired fortunes in India, were proper representatives of that people. They were, in his opinion, the antichrist of representation. Habituated to a different mode of thinking, and different forms of government, from those which subsist in a free country, they were not the representatives of the feelings and grievances of the people. On the contrary, it was to be feared, that they were the representatives of tyranny and oppression, and that they would naturally wish to suppress all inquiry which would strike at the root of their own opulence and greatness. Indian influence, as it was found every where, must be found in the other House. Mr. Hastings had declared, that even with the arbitrary power which he exercised, (whether he had a right to assume it was a different question,) he found it impossible to correct certain corruptions, because the sons of great families came to

the country for the express purpose of acquiring immense premature fortunes; nay, that it was a topic so delicate and dangerous, that he hardly dared even to touch upon it. An opinion too favourable to Indian influence, seemed to have circulated also among the people. Upon the principles of a false patriotism, they argued, that whatever brought money to the country, must necessarily be of advantage, and whilst that money was expended at home, it was unnecessary scrupulously to inquire whence it came, or by what means it was acquired. Another obstruction to their progress in the impeachment was, that almost every man who had been, or who hoped to be, high in command abroad, was an enemy to impeachments. Persons in such responsible stations, were apt to conceive them hurtful to public business, and could not divest themselves of the feelings which their own situation inspired. This would influence even good men more or less. It was natural to power to abhor responsibility. "*Et qui nolunt occidere quemquam, posse volunt.*"

But the greatest obstruction of all proceeded from the body of the law. There were no body of men for whom he entertained a greater respect; he hoped, therefore, that what he should say, would not be regarded as the effect of prejudice. For the profession itself he felt a degree of veneration, approaching almost to idolatry; it had for its object justice, the most sacred of all human virtues; but the members of the body, he remarked, were apt to be influenced with a very natural prejudice, which the French called *esprit de corps*, which was apt, on some particular questions, to influence their judgment. In whatever respected the privileges of their order, or had a tendency to lessen their credit and authority, they were ready at once to take fire. Hence proceeded their enmity to impeachments, by which they, who on every occasion called all others to account, were themselves rendered liable to be called to account. Upon entering on the business of the impeachment, he was told that he would have to encounter all the obstructions which the law creates; and he

must remark, that those who could naturally do most to forward justice, of course must have the greatest power of raising obstacles, in order to protract the course of investigation, to embarrass the mode of procedure, and evade decision of justice, as their profession furnished them with the weapons in their own hands. The first sinister augury which appeared in this business, and which they all remembered, was, that it was industriously given out that they would be gruelled in their evidence. The prophecy that was made had been fulfilled : from the quarter of the law, and on this very subject of evidence, they had met with the principal part of their difficulties and obstructions. Under these difficulties and discouragements, they thought, however, it would be no apology to them to plead, that they were baffled from want of abilities for the work they had undertaken. They did their best, therefore, to become acquainted with the nature of their cause ; the nature of their own power and rights ; the nature of the tribunal before which the cause was to be tried ; and the nature of the law by which all was to be decided, both with regard to the merits and to the process. Indeed, if a surgeon was punishable, who undertook a cure for which he was not qualified, the guilt was certainly much greater with those who, without being properly qualified, interfered in the concerns of the state, in proportion as the danger of their incapacity was more extensive. They found that the House of Commons had always claimed as a privilege an ignorance of the common municipal law, and without regarding themselves as bound by any forms, had acted merely from the facts which were before them, upon the evident principles of common sense. Their next business was, to ascertain the nature of the tribunal ; this, they found, was not regulated by the law and practice of other courts, but had a law and usage of its own, perfectly distinct, and of greater dignity. In this part of his speech, Mr. Burke entered into a detail of legal authority, which he traced so far back as the reign of Richard the Second, and followed

up with different instances to the reign of George the First, with much learning and ingenuity. From what happened in the case of Sir R. Tressillian, and the impeachment of Lord Bacon, it appeared, that the tribunal of the Upper House was not regulated by the forms of the civil or the common law, or the customs of the inferior courts. This policy of our ancestors might appear rude, when viewed through the medium of antiquity, but bore in itself the marks of a profound wisdom, not always to be met with in the institutions of modern times: as Pyrrhus said, upon viewing the Roman camp, "there is nothing barbarous here." The law of parliament was pretended to be regulated by the rules of courts. Every deviation from them was censured. It was exclaimed, that the committee had set up another law, and another usage: they had, indeed, set up another law, but not another usage. In differing from the laws of the court, they had only maintained the usage of parliament. The authority of Foster to this purpose was decisive. [Here he cited the authority.] They had pleaded *non pro tribunali, sed de plano*, in plain language, and not in terms of the court. When plain men imposed upon themselves the necessity of employing technical language, they deprived themselves of the guidance of their own understanding; they were led in the trammels of the lawyers, by whom they submitted to be directed. Besides, how could they call to account the great officers of the law, if they were themselves the sole interpreters of the law, by which they could be judged? As the privilege of impeachment was intended for the security of law and liberty, it was necessary that it should not be straitened in its mode of operation. They would have betrayed liberty, the constitution, and law, and justice itself, if they did not contend for a law of parliament, distinct from the law of Westminster-hall, paramount to it, and capable of superseding and controlling it in every thing different from substantial justice. This he held to be so essential, that if, instead of the time that had been

spent in its assertion, they had spent their whole lives in maintaining it, the time would have been well bestowed.

Mr. Burke said, that it was charged on them, too, that they would have obtruded evidence on the Lords, contrary to its fundamental principles. That much pompous language had been used of the inflexible laws of evidence, which were to prevent them from bringing powerful and artful villany to light. That they had made it their business, with great attention, to examine this point, on which so much stir had been made. That though there were some rules for restricting testimony by witnesses, with regard to evidence, which is of much larger extent, that there is no rule of evidence whatsoever; but that it must be the best the nature of the thing admits, and is in the power of the party to produce, which refers not the case to the rule, but the rule to the case and the parties, and which, in effect, proves that there neither is, nor can be, any general or inflexible rule of evidence. But if there be no clear rule for direct evidence; and even the limitations concerning witnesses, are in a manner eaten up by the exceptions, to say that there are rules for circumstantial evidence, is not to talk like a bad lawyer; it is to talk like an idiot. He said, that much of the evidence was of that nature; and that Justice Buller, whom he quoted, with much commendation of his abilities, had declared it, in many cases, the best of all evidence. It was the only one often possible to be had in secret crimes, such as poisoning and bribery; though they were not bound by the rules of inferior courts; yet, the fact was, that the managers had seldom or ever offered to produce any evidence, but such as all those larger tribunals were in the constant habit of receiving in criminal causes; and he threw out a challenge to the lawyers, defying them to prove that any evidence offered by the managers was contrary to the principles of common, of civil, of canon, or of any other law whatsoever.

Here Mr. Burke entered into a full detail of the process of the impeachment before the Lords, which led to an ac-

count of the difficulties and obstructions which had been thrown in the way of the managers, and a most able and eloquent vindication of the conduct of the whole business. He then made a solemn protest against any limitation of the charges, all of which the committee were able to prove, if the temper of the times, and the criminal impatience of too many persons, would permit them so to do. But all mankind must bend to circumstances. Therefore, he now, in compliance with the unhappy circumstances of the times, meant to call their attention to a motion for the limitation of the impeachment. In the fixed and unalterable course of human affairs, it had pleased God to decree that injustice should be rapid and justice slow. Justice could only be obtained by a long course of labour and series of time. The motion which he was now to make, he trusted, however, if not measured by impatience, or the revolution of seasons, would bring the business to a very speedy decision. He concluded with moving,

“ That, in consideration of the length of time which has already elapsed since carrying up the impeachment now depending against Warren Hastings, Esq. it appears to this House to be proper, for the purpose of obtaining substantial justice with as little farther delay as possible, to proceed to no other parts of the said impeachment than those on which the managers of the prosecution have already closed their evidence, excepting only such parts of the said impeachment as relate to contracts, pensions, and allowances.”

Mr. Ryder moved, as an amendment, that the latter part of the motion, which contained the exception, should be omitted. Mr. Jekyll afterwards proposed a second amendment, viz. “ that after these words in the original motion, ‘ in consideration of the length of time which has already elapsed, since carrying the impeachment now depending against Warren Hastings, Esq.’ it be added, ‘ this House will proceed no farther in the said impeachment.’ ” Mr. Sumner moved the question of adjournment. The House divided for the adjournment,

Yeas 26 : Noes 231. On Mr. Jekyll's amendment, Yeas 54 : Noes 194. On Mr. Ryder's amendment, Yeas 79 : Noes 161. The original question was then put and carried without a division.

CATHOLIC DISSENTERS' RELIEF BILL.

March 1.

ON the 21st of February, Mr. Mitford moved for a committee of the whole House, to enable him "to bring in a bill to relieve, upon condition and under certain restrictions, persons called *Protesting Catholic Dissenters*, from certain penalties and disabilities, to which papists, or persons professing the popish religion, are by law subject." He prefaced his motion, by observing, that it was well known there was great severity in the laws now subsisting against Roman catholics, but that the extent of such severity was not equally known. In Burn's *Ecclesiastical Law*, no less than seventy pages were occupied with an enumeration of the penal statutes still in force against them. The present reign was the only one (except the short one of James the Second) since the reign of Queen Elizabeth, in which some additional severity had not been enacted against this description of people. He remarked, however, that the extreme rigour of the statutes in question during the reign of Elizabeth could not be much a subject of wonder, when it was considered that the pope had excommunicated that queen, and absolved her subjects from their oath of allegiance. The motion was seconded by Mr. Windham. — Mr. Pitt thought the House had heard enough to induce them to be unanimous in receiving the bill, and giving it their most serious and deliberate consideration. — Mr. Fox said, he felt it absolutely necessary to offer a word or two, to shew that there was not that unanimity on the subject which the right honourable gentleman anticipated. The objection, however, which he had to the bill proposed, was not in regard to what it did go to, but to what it did not go to; for, in his opinion, it by no means went far enough.

When the proper time came, he should move to leave the word "protesting," out of the title of the bill, and when it should arrive at a committee, he would move some amendments, though he would not divide the committee if he should find their sense was against him. — It was then agreed that the said motion should be referred to a committee of the whole House on the 1st of March. On which day, the House having resolved itself into the said committee, Mr. Mitford moved for leave to bring in his proposed bill. He said he wished not for the general repeal of the penal statutes in question: but merely for an exemption from their operation in favour of a few; an exemption, which he trusted could give no possible cause for alarms. His intention was not to admit Roman catholics of any description to situations of trust or places under government; he was only anxious to have them considered as men of honour and loyalty, and good christians, though they differed from us in the forms of religion. — Mr. Fox observed, that notwithstanding his conviction of the liberal and serviceable tendency of the motion, he could not avoid meeting it with the proposed amendment in the addition of the words "and others." He would, however, relinquish it, if it should not appear satisfactory to the committee.

Mr. BURKE rose and observed, that he perfectly agreed with his right honourable friend, as to the propriety of relinquishing the amendment, provided it should not appear satisfactory, since the way to prevent a failing of obtaining a desired end, was to accept the smaller good where the greater was not attainable. The surest mode of remedying grievances was to proceed moderately and do away a little at a time, rather than attempt to cure them all at once. Such violent changes were dangerous, and like a lever swung back at a single stroke from the place from whence they set out. He should, therefore, rather think it wiser to repeal the laws complained of so justly by piece-meal than all at once. Men ought to be relieved from their prejudices by degrees. The doctrines asserted by his right honourable friend in his speech, though he could not subscribe to all of them, did the highest honour to the head and heart of his right honourable friend. But he

could not agree with him, that a state was not impowered to inquire into the religious opinions of all who lived under its protection. It had an uncontrollable superintending power over those opinions, and it was highly necessary for the prosperity, the safety, the good morals, and the happiness of the community, that it should have such a power. Opinions influenced the passions, and the passions governed the man; it was a natural effect, proceeding from a natural cause.

*Quicquid agunt homines, votum, timor, ira, voluptas,
Gaudia, discursus : nostri est farrago libelli.*

And so long as such was its operation, it was the interest and the duty of government to maintain and exercise it. But then, its exercise should be governed by virtue and wisdom, which alone could regulate a good government, the conduct of which should be always marked by candour and temperance.

Mr. Burke next proceeded more immediately to the subject of the laws against Roman catholics, and began by stating, that in the preamble to the 27th of Queen Elizabeth, danger to the state was the plea made use of, and instead of any religious or moral purpose being assigned as the ground-work of the statute, it was in so many words declared, that the act was passed solely for the suppression of a dangerous faction in the state; and, therefore, all the severities against the Roman catholics which that bill contained were enacted into a law, and had so continued. Were the preamble founded, and the plea true, had he been to pass that bill, he should have voted for it, as the state must be preserved for the good of the whole. The first and dearest object to every individual was self-preservation, and, in like manner, must legislators regard the preservation of a state. But, at this time at least, no man thought of any danger from the machinations of the pope. Why, then, should a danger be pretended which did not exist, and pretended merely for the sake of persecution?

He had not lately heard, that the pope was preparing a crusade to invade us, nor was his holiness now supposed to be very active either in rebellions or revolutions. Had the revolution in America been occasioned by his holiness sending bulls and absolutions to discharge and absolve the Americans from their allegiance? He had never heard that any persons who could have been supposed to have been sent by the pope, went to America, except in one ship, which reached Philadelphia; neither had he heard that they made many proselytes in that country. The pope, he believed, had no share in any of the late revolutions in Europe; and, as to this country, he believed no person now thought the pope would come and pay us a visit. There was no pretender, it was well known; and the pope, politically speaking, was as dead as the pretender, or as dead as Pope Julius Cæsar, who once visited us as Pontifex Maximus, when he invaded this country. Other popes had attempted to come here since, as Pope Claudius, but he did not succeed. Pope Domitian, and Pope Nero, visited us by their legates, and in the reign of King John, the legate Pandulphus came over and did us as much mischief as the best of them.

Mr. Burke followed up these remarks with an enumeration of some of the extreme severities under the acts that were yet unrepealed, such as its being high treason either to hear a mass or have a mass-book in the house, although the law in the first instance prevented our understanding it. He expatiated upon the cruelty of hanging, drawing, and quartering persons — for, hanged, drawn, and quartered they had been, in Charles the Second's time — for offences, arising out of mere religious opinion. Such laws were not made for the safety of the state, but for the purposes of civil tyranny. They enabled men to oppress their neighbours, and to rob them of their goods: they were calculated to make a man not love his neighbour, and he who loved not his neighbour, would not love the state. It was the duty of every government to make the people happy; but such points could never be accomplished, when

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every justice of the peace was made an inquisitor, and when a man who worshiped God in his own way, could, by any possibility, be condemned for high treason.

The amendment was withdrawn; after which Mr. Mitford obtained leave to bring in the bill.

END OF THE THIRD VOLUME.





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